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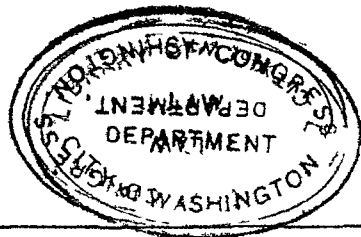
PASSED AT THE FIFTH SESSION

OF THE
LEGISLATIVE ASSEMBLY;

BEGUN AT THE
CITY OF LECOMPTON,

ON THE 1ST MONDAY OF JAN'Y, 1859, AND HELD AND CONCLUDED

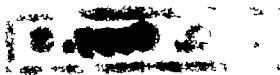
AT THE
CITY OF LAWRENCE.



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AUTHENTICATION.

I, HUGH S. WALSH, Secretary of the Territory of Kansas, do hereby certify that the printed Acts contained in this volume, are true copies of the enrolled laws on file in my office, which were passed at the session of the Legislative Assembly of said Territory, held in the months of January and February, A. D. 1859, with the exception of the correction of clerical errors.



Given under my hand and the great seal of the Territory, at Leecompton, this 1st day of August, A. D. 1859.

PRIVATE LAWS.

CHAPTER I.

AN ACT providing a Charter for the Home Association in Home Township, Nemeha county, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That J. T. Morse, C. H. Chitty, Mark Morse, Corporators. R. Voris, T. P. Cone, Joseph Wood and N. B. McKay, officers of Home Association, which association is now existing in Nemeha county, Kansas Territory, having selected and located the following described land, to wit: The south-east quarter of township three, south, range eleven, east; the south-west quarter of township three, south, range twelve, east; the north-east quarter of township four, south, range eleven, east, and the north-west quarter of township four, south, range twelve, east, comprising thirty-six sections of government lands in a square form, with the present members of said association, and such as may hereafter become members, be and they are hereby declared and constituted a body politic and corporate, under the name and style of "Home Association," and by that name and style shall remain and have perpetual succession, with power, in and by such name, to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions at law and equity, in all courts whatsoever, and in all matters and places where legal and equitable proceedings are had, and, if necessary, to sign, execute and deliver by the president and secretary of said association, under the seal thereof, all arbitration and other bonds in obtaining their legal rights, and advancing the interests of the association, and, also, in and by such name, to purchase, hold, grant, bargain, sell, alien and convey, any property, whether real, personal or mixed, and to loan the funds of the association and take promis-

Power to sue and be sued.

Power to make bonds and convey property.

Power to loan
funds of associa-
tion.

sory notes, bonds, mortgages and other evidences of indebtedness for the funds so loaned, and to have and use a common seal and to alter the same at pleasure.

Officers when
elected.

SEC. 2. The officers of the association shall be a president, secretary, treasurer, auditor and a business committee of three persons, all of whom shall be elected at the annual meeting of the association, and hold their offices for one year, and until their successors are elected and qualified.

Eligibility for
office.

SEC. 3. No person shall be eligible to any of the above named offices, unless he is a legal voter, and a resident of Home township.

Executive com-
mittee to have
charge of funds

SEC. 4. The officers of this association shall be *ex officio* an executive committee and board of trust, to whom shall be committed the funds of the association and the general supervision of its interests, and the establishment and management of the seminary, for which provision is made in the constitution of the association.

Alteration of
constitution.

SEC. 5. The constitution now adopted by the association shall continue to be the fundamental law by which it shall be governed; that said constitution may be altered or amended by a vote of two-thirds of the members present at any annual meeting of the association: *Provided*, Said amendments be made public at least twenty days before said election, by publication in a newspaper published in Centralia, or by being posted in each school district in said association.

Power to make
by-laws.

SEC. 6. The association shall have power, at any annual meeting, to make such by-laws for the promotion of its interests, and the protection of its rights, as may be necessary or expedient, if they do not conflict with the constitution of the association, with the laws of Kansas and the constitution of the United States.

Acts of associa-
tion legalized.

SEC. 7. The resolutions of the association and the official acts of the executive and business committees prior to this enactment, are hereby declared to be of equal force in law and equity, as they would have been had they been transacted under the authority of corporate acts.

Present officers to
continue.

SEC. 8. The present officers of the association are hereby authorized, and it shall be their duty to manage and conduct all the business of the association, until the first annual election of the association.

Executive com-
mittee authorized
to sell individual
shares.

SEC. 9. The executive committee are hereby authorized to sell at public sale any and all individual shares, on the failure, neglect or refusal of any stockholder to pay any assessment thereon,

and out of the proceeds shall pay first the cost and expense of sale, next the amount of assessment due thereon, and the remainder, if any, to the stockholder.

SEC. 10. The executive committee shall have power to assess and collect, from any person or persons who may, by purchase or otherwise, obtain shares in Home town without subscribing to the constitution, the same amount that the constitution would require of him or them, if members, for carrying out the conditions of the constitution.

Executive committee power to make assessments on shares.

SEC. 11. The business committee are hereby authorized, and it shall be their duty to enforce the conditions of the constitution in regard to the internal regulations of the association, and to them shall be submitted for arbitrament as to how much shareholders shall forfeit and pay on failure to settle on the farm shares as required by the constitution; also, it shall be their duty to keep the fence in repair, and enforce the provision for planting trees.

Power of business committee.

SEC. 12. The executive committee shall have power and authority to purchase real estate and other property, and hold the same, or dispose of it for the benefit of the association, and to hire money, if necessary, to carry out the provisions of the constitution, but not to hold more than twenty thousand dollars worth of real estate outside of township limits.

Authorized to purchase real estate and to borrow money.

SEC. 13. All personal property and effects of whatever kind or description, now held or hereafter obtained by the association, or by any person in trust therefor, shall, by virtue of this act, vest in and become the property of the corporation hereby created, and may be sued for and collected in the name of the association.

All property vested in the association.

SEC. 14. The executive committee may at any time order an election to vote on the question of taking stock in any rail road, in or near Centralia, and, if a majority of voters in Home township shall vote for a proposition to take stock, the president of the association shall subscribe for said stock in the name of the association.

Executive committee to order an election in regard to taking stock &c.

SEC. 15. The executive committee shall have power to grant license to sell intoxicating liquors as a beverage, and they are hereby authorized to prohibit the manufacture and sale of the same within the bounds of this association, if in their judgment the public interests require.

May grant licenses to sell liquor.

SEC. 16. No sale of shares shall be held as valid unless the assignor pay, or the assignee assume the payment of all notes given to the association for said shares, or choice in the same,

Sale of shares.

and the association shall hold a lien on all shares that may be sold for the payment of said notes.

Election of officers.

SEC. 17. The first annual election of officers of Home Association shall take place in Centralia, Nemaha county, Kansas, on the second Tuesday in September, one thousand eight hundred and fifty-nine, and shall be conducted by the officers of the association, and annually thereafter at such time as may be designated by the executive committee.

Voting by ballot.

SEC. 18. The voting shall be by ballot, and the person or persons receiving the highest number of votes shall be declared elected.

Vacancies how filled.

SEC. 19. In case of a vacancy in office, arising from death, resignation or other cause, the executive committee shall fill such vacancy by appointment, and if said vacancy occur in the offices of president, secretary or treasurer, the executive committee shall order an election to fill said vacancy: *Provided*, more than six months of the term of office vacated, shall remain unexpired at the date of said election.

Oath of office.

SEC. 20. The officers of this association shall, before entering upon their term of office, take such oath as may be required by the laws of this Territory.

SEC. 21. This act shall be deemed a public act, and be liberally construed for the benefit of the association.

SEC. 22. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER II.

AN ACT to Incorporate the Lawrence Savings Bank.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That James Blood, S. B. Prentiss, George Ford, Corporators. B. W. Woodward, Geo. W. Deitzler, C. Hornsby, Chas. Reynolds, John Strop, B. Donnelly, E. D. Ladd, Henry Weiler, T. D. Thacher, Alonzo Fuller, Fredk. Kimball, C. W. Babcock, R. Morrow, C. H. Branscomb, Lyman Allen, A. C. W. Safford, P. D. Ridenour, their heirs and assigns, be and the same are hereby created a body politic and corporate, by the name and style of the "Lawrence Savings Bank," and by that name have perpetual succession, defend and be defended in all courts of this Territory, and in like manner to make such by-laws, rules and regulations May make by-laws. as may be deemed necessary for the good government of the corporation and the efficient management of its affairs: *Provided*, The same do not conflict with the public law of the land.

SEC. 2. That the first meeting of said corporation may be Meetings. called by a majority of the persons named in this act, at such time and place as they may select. At such meeting, a board of Board of directors. directors may be chosen from among the corporators, and such board of directors shall take charge of the business of the corporation, subject to such rules and regulations as may be adopted by the corporators. Said directors shall hold their offices for one year, or until their successors are appointed, and may adopt such by-laws and regulations, from time to time, for the government of the concerns of the corporation as they may deem expedient, not inconsistent with the rules made by the corporators as aforesaid nor the public law of the land.

SEC. 3. That the directors shall cause a book to be kept Books to be kept. containing the names of all persons of said corporation, showing, annually, their places of residence, which book shall be opened in their office, in the city of Lawrence, for the inspection of the members and creditors of the said corporation.

SEC. 4. That said corporation shall elect a president and clerk Oath of officers. from their number, who shall hold their offices until others shall have been elected and qualified to take their places. The directors, president and clerk shall be sworn to the faithful discharge of their duties, and give bond, with securities to the satisfaction of the corporation, for the faithful discharge of their trusts.

SEC. 5. That the corporation hereby created shall have power Deposits.

Withdrawal.

and authority to receive on deposit such sums of money, not less than fifty cents, as may be, from time to time, offered therefor, by farmers, tradesmen, mechanics, laborers, minors, servants and others, which shall be repaid to such depositor when required, at such times, with such interest and under such regulations as the board of directors shall, from time to time, prescribe. The rate of interest shall be uniform, and apply to all persons equally, but shall not be altered so as to affect any deposits previously made, and shall be kept posted in the office of the corporation.

Reports of officers.

SEC. 6. That the board of directors shall, at the close of each quarter year, make a full report of the affairs and business generally of the corporation; and, if the corporators shall become satisfied, after investigation, that any officer, director or member has removed from the Territory, or has become insolvent, or has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the creditors, funds and property of the said corporation as may be deemed expedient. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

Individual liability.

SEC. 7. That each member of said corporation shall be individually liable for the obligations of the corporation, and any action of debt may be brought against said corporation, in any court of competent jurisdiction in this Territory, by any creditor of said corporation.

Deposit by minors.

SEC. 8. That, whenever any deposit shall be made by any minor, the president of the corporation may, at his discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same, and the receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor, and, whenever any deposit shall have been made by any married woman, may repay the same on their own receipts.

Profits to be invested in real estate.

SEC. 9. That any profits accruing to said corporation from the regular pursuance of the business contemplated in this act shall, after deducting all necessary expenses, be invested, from time to time, in real estate and permanent improvements in the city of Lawrence, for the security of the depositors in said cor-

poration; and all losses of said corporation shall be divided ratably amongst and paid by the corporators, in such manner as the corporation shall direct. The directors of said bank and all other persons holding or having an interest in the same, shall be individually liable for any and all moneys deposited in said bank, in the proportion of their respective interests in said bank.

Losses to be divided.

Directors, &c., individually liable.

SEC. 10. That the said corporation shall have power to fill all vacancies that may be occasioned by death or otherwise.

Vacancies how filled.

SEC. 23. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 7, 1859.

S. MEDARY,
Governor.

CHAPTER III.

AN ACT to authorize William T. Williamson and others to build a Bridge across Little Arkansas River.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. From and after the passage of this act, the sole and exclusive privilege is hereby granted to William T. Williamson, Columbus Hornsby, Thomas Lounds and James C. Horton, their heirs and assigns, for the period of twenty-one years, to build, erect and construct a bridge across the Little Arkansas river, where the Santa Fe road, from Westport in Missouri to Santa Fe in New Mexico, crosses the same: *Provided*, That said bridge shall be completed in one year from the passage of this act.

Corporators.

SEC. 2. Said company shall at all times maintain a good and sufficient bridge at said point, and keep the same repaired and at all times in readiness for the accommodation of the traveling public, and no other person or persons whomsoever shall be permitted to build or maintain a bridge or ferry within four miles of said crossing, within said term of years.

Keep bridge in repair.

Tolls.

SEC. 3. Said company are hereby authorized to demand and receive the following rates of toll, until otherwise established by law, to wit: For every wagon or other vehicle, fifty cents; for every animal attached thereto, ten cents; for every loose or drove head of horses, cattle, mules or jacks, ten cents; for every head of swine, sheep and goats, and for every person, five cents, and for every man and horse, ten cents.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

O. W. BABCOCK,
President of the Council.

Approved February 10, 1859.

S. MEDARY,
Governor.

CHAPTER IV.

AN ACT to establish a Toll Bridge across Big Blue River.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. That William L. Challiss, George F. Challiss, G. W. Culver and Joseph S. Challiss, or their assigns, shall have the exclusive right to build and maintain a toll bridge, for the term of twenty years, across the Big Blue river, where the road from Vermillion City to the Republican Fork crosses said river, near the first standard parallel.

Capital stock.

SEC. 2. That the said W. L. Challiss and the other persons named in the foregoing section, or a majority of them or their assigns, are hereby authorized to form a company, the capital stock of which shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each, and shall have power to prescribe by-laws for the regulation of said company, establish and collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, so much as shall be necessary for the construction of said bridge, and do all other acts and exercise all the rights and privileges generally pertaining to such corporations.

SEC. 3. The rates of toll shall be such as the tribunal doing Tolls.
county business may from time to time determine.

SEC. 4. This act shall take effect and be in force from and
after its passage.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1859.

S. MEDARY,
Governor.

CHAPTER V.

AN ACT to establish the Cherry Creek Bridge and Ferry Company.

*Be it enacted by the Governor and Legislative Assembly of
the Territory of Kansas :*

SECTION 1. That F. G. Adams, S. C. Pomeroy, James M. Corporators.
Graham, Geo. W. Allison, Thos. Stevenson and W. P. Badger,
and their successors, shall be and they are hereby incorporated,
under the name and style of the "Cherry Creek Bridge and Ferry
Company," and by that name may sue and be sued in the courts
of this Territory, and may contract and be contracted with as
natural persons.

SEC. 2. The said corporation shall have a common seal, and Powers of com-
pany.
may change or alter the same at pleasure, may enact by-laws for
their government, employ agents, fix their compensation and pre-
scribe their duties, and generally do all things incident to an in-
corporated body.

SEC. 3. The objects of this incorporation are declared to be Objects of com-
pany.
the opening of a Territorial road near the first standard parallel
or near the Republican river in said Territory, from Atchison to
some point on or near Cherry Creek, and the construction of
bridges and ferries along the same, and the transportation of
the United States mail, passengers, baggage and freight over
said road.

SEC. 4. The capital stock of said corporation shall be fifty Capital stock.
thousand dollars, to be divided into shares of one hundred dol-
lars each, each share entitling the holder thereof to one vote,

Election of directors.

either in person or by proxy in the election of the board of directors. Said board of directors shall consist of five members, who shall be elected annually, and who shall have the general control and management of the business of the incorporation.

May build bridge and collect tolls.

SEC. 5. Said incorporate company shall have the exclusive right and privilege of building and establishing bridges and ferries, and to collect tolls and ferriage across any streams where the road said company shall establish may cross the same, and for two miles on either side the same, for the period of ten years from the passage of this act: *Provided*, That said road be opened within one year from the passage of this act.

Organization of board.

SEC. 6. As soon as the sum of three thousand dollars shall have been subscribed, said company shall organize by electing a board of directors, and proceed to the opening of the work.

SEC. 7. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER VI.

AN ACT to authorize Asahel Beach and others to construct a Bridge across Cow Creek, on the Santa Fe Road, near Beach's Trading Post.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. That, from and after the passage of this act, the sole and exclusive privilege is hereby granted, for the term of twenty-one years, to Asahel Beach, Samuel K. Huson, R. W. Eddy and James C. Horton, their heirs or assigns, to build, construct and erect a bridge across Cow creek, where the Santa Fe road, leading from Westport in Missouri to Santa Fe in New Mexico, crosses the same, near Beach's Trading Post: *Provided*, That said bridge be completed within one year from the passage of this act.

SEC. 2. That it shall not be lawful for any person or persons Exclusive privilege. whomsoever to build, erect or construct a bridge or ferry on or over said Cow creek, within one mile on each side of said crossing of said creek, except the persons above named.

SEC. 3. The said Asahel Beach, Samuel K. Huson, R. W. Tolls. Eddy and James C. Horton, their heirs and assigns, shall be and are hereby authorized to demand and receive the following rates of toll or charges for crossing said bridge, until otherwise changed by law, to wit: For every wagon, thirty cents; for every animal attached thereto, ten cents; for every pleasure carriage, fifteen cents, and ten cents for every animal attached thereto; for each and every loose or drove ox, cow, bull, calf, horse or mule, five cents; for each and every loose or drove hog, sheep or goat, one cent; for each and every horse with rider, ten cents, and for each and every person on foot, five cents.

SEC. 4. If the company before mentioned shall suffer the said Privileges cease when. bridge to go to decay, so as to render crossing thereon unsafe, or shall suffer the said bridge to remain out of repair for the space of one month at any time, the privileges herein granted shall cease and utterly determine.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives,
C. W. BABCOCK,
President of the Council.

Approved January 31, 1859.

S. MEDARY, *Governor.*

CHAPTER VII.

AN ACT to Incorporate the De Soto Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the exclusive right and privilege of building Corporators. and maintaining a bridge across the Kansas river, at the town of De Soto, and for one mile above and two miles below said town, is hereby granted, for the period of twenty-one years, to E. S. Lowman, A. D. Searl, Asaph Allen and T. Sampson, or their

assigns or such persons as may be associated with them for that purpose.

Capital stock.

SEC. 2. Said E. S. Lowman and the other persons named in the foregoing section, or a majority of them, are hereby authorized to form a company to be known as the "De Soto Bridge Company," the capital stock of which shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, and hold and convey real estate adjacent to said bridge sufficient for the purposes herein mentioned, not to exceed one hundred and sixty acres, or a quarter section.

Tolls.

SEC. 3. The rates of toll on said bridge shall not exceed the average of the rates on the several ferries across said river established by law, nor shall said bridge be so constructed as to prevent the navigation of said river by steamboats.

SEC. 4. Unless said bridge be commenced within three years and completed, this act shall be void.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER VIII.

AN ACT to Incorporate the Humboldt Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. The exclusive right and privilege of building and maintaining a bridge across the Neosho river at the town of Humboldt, is hereby granted, for the period of twenty-one years, to E. S. Lowman, N. B. Blanton, Maurice Harttmann, or their assigns, or such persons as may be associated with them for that purpose.

SEC. 2. Said E. S. Lowman and the other persons named in the foregoing section, or a majority of them, are hereby authorized to form a company, to be known as the "Humboldt Bridge Company," the capital stock of which shall be twenty thousand dollars, to be divided into shares of twenty dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, and hold and convey real estate, adjacent to said bridge, sufficient for the purposes herein mentioned, not to exceed one hundred and sixty acres or a quarter section.

May form company.

Capital stock.

SEC. 3. It shall be lawful for said corporation to collect and receive such tolls as shall be authorized and regulated by the tribunal transacting county business.

Rates of toll to be established.

SEC. 4. That said bridge company are hereby authorized to issue bonds for the construction of said bridge to such amount only as may be necessary to construct and complete said bridge and toll house, and may sell the same in such amount, upon such terms, above or below par, and at such rates of interest, as may be agreed upon by the parties interested, not to exceed ten per cent. per annum: *Provided*, Said bonds shall not be issued for a less amount than twenty-five dollars: *and, provided, further*, That said bonds shall not be circulated as money, nor shall said company exercise any banking powers.

May issue bonds.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER IX.

AN ACT to authorize Joseph B. Beatty to build a Bridge across Independence Creek in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That, from and after the passage of this act, the sole and exclusive privilege is hereby granted, for the period of

Corporator.

twenty years, to Joseph B. Beatty, his heirs or assigns, to construct a bridge across Independence creek, at the point known as Beatty's Ferry, on the line between Atchison and Doniphan counties: *Provided*, That the said bridge shall be completed in one year from the passage of this act.

Rates of toll fixed
by county board.

SEC. 2. The said Joseph B. Beatty, his heirs or assigns, is hereby authorized to charge such rates of toll, after said bridge shall be completed, for all persons, cattle, stock or other animals, and for all vehicles, freight or loading, as shall be fixed by the board transacting county business of the county of Atchison.

Privileges forfeited,
how.

SEC. 3. If the said Joseph B. Beatty shall suffer said bridge to go to decay or otherwise to remain so as to render crossing thereon unsafe, for the space of one month at any one time, the privileges herein granted shall cease.

SEC. 4. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER X.

AN ACT for the Relief of the Kansas River Bridge Company,

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Time extended.

SECTION 1. That the Kansas River Bridge Company are hereby granted an extension of one year from the thirtieth of August next for the completion of their bridge at Tecumseh, and the rights, powers and privileges of their charter shall be deemed to commence from and on the completion of said work.

SEC. 2. This act shall take effect immediately.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER XI.

AN ACT to amend an Act entitled "An Act to Incorporate the Lawrence Bridge Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the third section of an act entitled "An Act to incorporate the Lawrence Bridge Company," approved February ninth, A. D. 1858, be and the same is hereby amended to read as follows :

SEC. 2. The rates of toll on said bridge shall be as follows : Rates of tolls.
For each and every lumber or freight wagon or cart, not to exceed fifty cents, and, for every animal attached thereto, ten cents ; for each and every pleasure carriage, forty cents, and for each and every animal attached thereto, ten cents ; for each and every loose or drove ox, cow, bull, calf, horse or mule, ten cents ; and for each and every loose or drove hog, sheep or goat, five cents ; and for each and every horse and rider, twenty cents ; and for each and every person on foot, ten cents : *Provided*, That the board transacting county business in and for the county of Douglas, at any time on or after the first day of January, A. D. 1865, at their discretion, may reduce the same not exceeding fifty per centum.

SEC. 3. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 3, 1859.

S. MEDARY,

Governor.

CHAPTER XII.

AN ACT to Incorporate the Lecompton Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the exclusive right of building and maintain- Corporators.
ing a bridge across the Kansas river, at or within one mile of

the city of Lecompton, is hereby granted, for a period of ten years, to David Bailey and James Rucker, their assigns or such persons as may be associated with them for that purpose.

Capital stock.

By-laws, constitution, &c.

Rates of tolls.

When meeting may be called.

To be completed in three years.

SEC. 2. The said parties named in the foregoing section are hereby authorized to form a company to be known as the "Lecompton Bridge Company," the capital stock of which shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each; and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to said capital stock, establish and collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, so much as may be necessary for the construction of said bridge, and do all other acts and deeds and exercise all the rights and privileges generally appertaining to corporations.

SEC. 3. The rate of tolls at said bridge shall not exceed the average rates of the several ferries across the Kansas river, as now established by law.

SEC. 4. When five thousand dollars shall have been subscribed to the capital stock of said bridge, and ten per cent. thereon paid to either of the parties named in the first section of this act, a meeting of the stockholders shall be held for the purpose of electing a president, a secretary and treasurer and three trustees, who shall manage and control the affairs of said company.

SEC. 5. If said bridge is not completed within three years from and after the passage of this act, this charter shall be forfeited.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER XIII.

AN ACT to Incorporate the Osawatomie Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. The exclusive right and privilege of building and

maintaining bridges across the Marias des Cygnes or Osage river, and across the Pottawattomie creek at Osawatomie, K. T., or at any place one mile below and one above the corporation of said town or town site, on said streams, is hereby granted, for the period of twenty years, to O. C. Brown, Geo. W. Cavert, H. H. Williams, Morgan Cronkhite and James Moore, or their assigns, or such persons as may be associated with them for that purpose.

SEC. 2. That said O. C. Brown, Geo. W. Cavert, and other persons named in the foregoing section, or a majority of them, are hereby authorized to form a company, to be known as the "Osawatomie Bridge Company," and by that name and style shall be a body politic and corporate, and shall have power to sue and be sued, plead and be impleaded, defend and be defended against, in all courts of this Territory, or elsewhere.

Name of company.

SEC. 3. Said company shall have the power to hold and convey real estate for the purposes herein mentioned, not to exceed one hundred and sixty acres.

May hold and convey real estate.

SEC. 4. Said company shall have power to prescribe by-laws for the regulation of said company. The board transacting county business in said county, shall, from time to time, prescribe the rates of toll to be charged on said bridge.

By-laws.

Toll.

SEC. 5. That said above mentioned bridges shall be commenced within three years, or this act shall be void.

Time of commencement.

SEC. 6. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 8, 1859.

S. MEDARY,

Governor.

CHAPTER XIV.

AN ACT to Incorporate the Osage River Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. The exclusive right and privilege of building and maintaining a bridge across the Marias des Cygnes or Osage river,

Corporators.

at or within four miles of the town of Miami, being at or near the crossing of the Territorial road leading from Leavenworth city to Fort Scott, is hereby granted, for the period of fifteen years, to Maxwell McCaslin, William Honeywell, A. G. McKinzie, W. A. Mobley, Townsen Hopkins, Joseph Carpenter, R. H. Phelan, B. F. Simpson and W. R. Wagstaff, or such persons as may be associated with them for that purpose.

Capital stock.

SEC. 2. That said Maxwell McCaslin, and the other persons named in the foregoing section, or a majority of them, are hereby authorized to form a company, to be known as the "Osage River Bridge Company," the capital stock of which shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, and do all other acts and things, and exercise all the rights and privileges generally appertaining to corporations.

May collect tolls.

Tariff of tolls.

SEC. 3. The rates of tolls fixed by said corporation shall be subject to the approval and modification of the tribunal transacting county business for the county of Lykins.

To be completed in three years.

SEC. 4. Unless this bridge be built within three years, this act shall be void.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XV.

AN ACT authorizing Alvin N. Blacklidge and others to build a Bridge-
[across the Pawnee Fork of the Arkansas River.]

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That from and after the passage of this act, the-

sole and exclusive privilege is hereby granted to Alvin N. Black- Corporators.
 lidge, and his associates and their assigns, for the period of ten
 years, to build, erect, construct and maintain a bridge across the
 Pawnee fork of the Arkansas river, at or near where the great
 Santa Fe road, leading from Westport, Mo., to Santa Fe, crosses
 said Pawnee fork: *Provided*, That said bridge is commenced Time of com-
 mencement.
 within six months from the publication of this act, and com-
 pleted within one year thereafter.

SEC. 2. The said company shall, at all times, maintain a good Keep bridge in
 good repair.
 bridge at said point, sufficient for the accommodation of all the
 traveling public; and no other person or persons, whatsoever,
 shall be permitted to build or maintain a bridge or ferry within Sole privilege.
 five miles of the points selected by the said Blacklidge and his
 associates for said bridge, within said term of years.

SEC. 3. Said company are hereby authorized to demand and Toll.
 receive the following rates of toll: For every wagon or other
 vehicle, fifty cents; for every animal attached thereto, ten cents;
 for every loose or drove head of horses, mules, jacks or cattle,
 ten cents; for every head of swine, sheep, goats, &c., five cents;
 for person, five cents and no more.

SEC. 4. This act to take effect and be in force from and
 after its passage and publication.

A. LARZALERE,

Speaker of House of Representatives.

G. W. BABCOCK,

President of the Council.

Approved February 10, 1859.

S. MEDARY,

Governor.

CHAPTER XVI.

AN ACT to Incorporate the Rock Creek Bridge Company.

*Be it enacted by the Governor and Legislative Assembly of
 the Territory of Kansas:*

SECTION 1. That L. R. Palmer, O. M. Marsh and Andrew J. Corporators.
 Mead and Robert Wilson, be authorized to construct and main-
 tain a bridge across Rock creek, in Pottawattamie county, at or
 within one mile from Louisville in said county, to the exclusion

of all other person or persons, within one mile of said town of Louisville.

Capital stock.

Divide into shares.

SEC. 2. That said O. M. Marsh, or the other persons named in the foregoing section, are hereby authorized to form a company to be known as the "Rock Creek Bridge Company," the capital stock of which shall be twenty-five thousand dollars, to be divided into shares of twenty-five dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, and hold and convey real estate adjacent to said bridge, sufficient for the purposes herein mentioned, not to exceed one hundred and sixty acres.

Tolls.

SEC. 3. The rates of toll on said bridge shall not exceed the rates charged upon similar toll bridges in said county of Pottawattamie.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XVII.

AN ACT to Charter a Bridge across Soldier Creek, at Indianola.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. That George L. Young and John N. Major, citizens of Indianola, Kansas Territory, their successors and assigns, be and they are hereby authorized to erect a toll bridge across Soldier Creek at Indianola, in Calhoun county, K. T., and shall have the exclusive right, for one mile up and down from said bridge, for the term of ten years.

Tolls.

SEC. 2. That the parties aforementioned shall erect a good and substantial bridge, and keep the same in good repair, so as to

render the crossing thereon safe and convenient, and may charge, demand and receive the following rates of toll until otherwise directed, to wit: For each footman, five cents; for each man and horse, ten cents; for each single mule, horse, jack or jennet, or other stock, five cents; for each one-horse carriage or buggy, fifteen cents; for each two or four-horse carriage, buggy or wagon, twenty-five cents; for each six-horse or ox wagon, thirty-five cents: *Provided*, That nothing in this section shall prevent the tribunal transacting county business in said county, from regulating and fixing the rates of toll every twelve months.

SEC. 3. That if the parties aforementioned shall suffer said bridge to go to decay, so as to render crossing thereon unsafe, or shall suffer said bridge to remain out of repair for the space of thirty days, at any time, the privilege herein granted shall cease. Bridge to be kept in repair.

SEC. 4. That the tribunal transacting county business for the county including said bridge may change the rates of toll from year to year as it sees proper. Rates of toll may be changed.

SEC. 5. That the said bridge shall be commenced within six and completed within eighteen months after the passage of this act. Time of commencement.

SEC. 6. That a non-compliance with the provisions of this act shall work a forfeiture of this charter. Forfeiture.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER XVIII.

AN ACT to Incorporate the Stranger River Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That to Lafayette Conwell, Wm. H. Russell, L. G. Terry and J. C. Hemingray, or their assigns, or such persons as may be associated with them, be granted the exclusive privilege of building and maintaining a good and safe bridge over the Corporators.

Stranger river at the point where the Territorial road from Leavenworth to Lawrence crosses the said river: *Provided*, Such bridge shall not interfere with the present fording at the point named.

Exclusive privileges.

SEC. 2. That no other bridge or ferry shall be used or constructed within one-half mile of such bridge as may be constructed in accordance with section first, foregoing, unless by the consent of the parties above named, or a majority of their assigns or associates.

Capital stock.

SEC. 3. That under the title and name of the "Stranger river Bridge Company," the said Lafayette Conwell and L. G. Terry, or their associates or assigns, may and are hereby authorized to form a company, the capital stock of which shall be not more than twenty thousand dollars, to be divided into shares of fifty dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, so much as may be necessary for the construction of said bridge, and do all other acts and deeds, and exercise all rights and privileges generally appertaining to corporations.

General powers.

Approaches to be kept in repair.

SEC. 4. The said Stranger river bridge company shall cause to be kept in good repair at least an eighth of a mile of each approach to said bridge.

Rates of toll may be changed.

SEC. 5. The rates of toll on said bridge shall be fixed by the board of supervisors of Leavenworth county, and may be changed by said board from time to time, as they may see proper.

To be completed within fifteen months.

SEC. 6. Unless this bridge be begun and completed within fifteen months, this act shall be void.

Assent of supervisors necessary.

SEC. 7. This act shall have no force or effect until the said Lafayette Conwell, L. G. Terry and their assigns shall have obtained the assent of the board of county supervisors of Leavenworth county, from which time it shall take effect and be in force.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XIX.

AN ACT to authorize a bridge across the Wakarusa.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. The exclusive right and privilege of constructing, ^{Corporators.} erecting and maintaining a bridge or bridges across the Wakarusa river or creek, at or within one mile of the present crossing of the main road leading from the Missouri river past Blue Jacket's to Lawrence, or the Territorial road to be located in lieu thereof, is hereby granted, for the period of ten years, to Alvin N. Blacklidge, Samuel K. Huson and Edward Hoogland, their associates, heirs or assigns: *Provided*, That a bridge be commenced as aforesaid within six months from the publication of this act, and completed within one year thereafter.

SEC. 2. The rates of toll which said corporators or their representatives are hereby authorized and empowered to collect for crossing said bridge, while the same is maintained and kept in good and safe traveling condition, shall not exceed as follows: ^{Rates of toll.} For every carriage, wagon or vehicle, fifteen cents, and five cents for every beast of draught attached thereto; every head of cattle, horse or mule, driven or ridden, three cents; every drove hog or sheep, one cent; every person, three cents; horse and rider, five cents: *Provided*, That this act shall not be so construed as to interfere with any laws or regulations of the Shawnee Indians, nor to prevent any Indian who may own lands in fee simple on said stream from erecting a free bridge on his own lands, within the chartered limits above specified.

SEC. 3. This act shall take effect immediately.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XX.

AN ACT to Incorporate the Wildcat Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators. SECTION 1. That the exclusive right and privilege of building and maintaining a bridge across Wildcat creek, at or within one mile of the house of T. J. Roosa, on said creek, for the period of fifteen years, is hereby granted to Amory Hunting, O. M. Marsh, Andrew J. Mead, Tunis J. Roosa and Lorenzo Westover, or their assigns and such persons as may be associated with them for that purpose.

Capital stock. SEC. 2. That said Amory Hunting and the other persons named in the foregoing section, and their associates or a majority of them, are hereby authorized to form a company to be known as the "Wildcat Bridge Company," the capital stock of which shall be twenty-five thousand dollars, to be divided into shares of twenty-five dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, and hold and convey real estate adjacent to said bridge sufficient for the purposes herein mentioned, not to exceed one hundred and sixty acres.

Shares to be \$25 each.

Rates of toll. SEC. 3. The rates of toll on said bridge shall not exceed the rates charged upon similar bridges in the adjoining county of Pottawattamie.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XXI.

AN ACT to Incorporate Grace Church in the city of Atchison.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That William Dean, G. H. Fairchilds, A. G. Corporators. Otis, Daniel Adams and W. O. Gould, their associates and successors, be and they are hereby constituted a body corporate under the name and style of the "Vestry of Grace Church of the city of Atchison," and by that name to have continual succession and be capable of suing and being sued.

SEC. 2. That the said corporation shall be capable of holding Powers of corporations. and conveying any estate, real, personal or mixed, for the use of this corporation, either by gift, grant, devise or purchase, not to exceed ten thousand dollars.

SEC. 3. That the said corporation shall have power to make Constitution and by-laws. all rules, by-laws and regulations deemed necessary for the transaction of its business and the government of its members, not inconsistent with the constitution of the United States or the laws of this Territory.

SEC. 4. All deeds for the conveyance of any of the real or Deed to be signed. personal estate of said corporation shall be signed by such officer as the said corporation shall direct, and when so signed shall be deemed a good and sufficient execution and authentication of said deeds in all courts.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER XXII.

AN ACT to Incorporate the First United Presbyterian Congregation of Leavenworth City.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Powers of corporation.

SECTION 1. The "First United Presbyterian Congregation of Leavenworth City" is hereby created and constituted a body politic and corporate, and as such shall have perpetual succession, may sue and be sued, and have all the usual powers of a corporation.

May hold real estate.

SEC. 2. The said corporation shall be capable of holding and conveying any estate, real, personal or mixed, for the use of the corporation, either by gift, grant, devise or purchase, not to exceed fifty thousand dollars.

By laws and constitution.

SEC. 3. That the said corporation shall have power to make all rules, by-laws and regulations, deemed necessary for the transaction of its business and the government of its members, not inconsistent with the constitution of the United States or the laws of this Territory.

Trustees to hold and convey real estate.

SEC. 4. The board of trustees shall be the representatives of said congregation in conveying or holding real estate and representing them in all matters relative to the business of said congregation.

SEC. 26. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XXIII.

AN ACT to Incorporate St. Paul's Protestant Episcopal Church at Wyandott, Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That William McKay, W. Y. Roberts, H. B.

Bartlett, Benj. C. Bachman, James D. Chesnut, R. S. Nash, William B. Bowman, John Collins, J. M. Funk, J. H. Akin, Frederick Speck, and their successors, duly elected in accordance with the constitution and canons of the general convention of the Protestant Episcopal Church in the United States of America and of the Diocese of Kansas, to be hereafter organized, are hereby constituted and declared a body politic and corporate by the name and style of "The Rector, Wardens and Vestry of St. Paul's Protestant Episcopal Church, Wyandott," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said corporation is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as may from time to time be deemed necessary: *Provided*, That the same be not repugnant to the constitution and canons of the Protestant Episcopal Church in the United States of America, or to the constitution and canons of the Protestant Episcopal Church of the Diocese of Kansas to be hereafter organized as aforesaid: *Provided, also*, That the same be not repugnant to the constitution and laws of the United States or of this Territory.

Powers and duties

SEC. 2. The corporation hereby created shall be capable, in law and equity, of taking and holding by devise and otherwise, or of purchasing, holding and enjoying, to them and their successors, any real estate in fee simple or otherwise, any goods, chattels and personal estate, and of selling, leasing, mortgaging or otherwise disposing of said real and personal estate or any part thereof, as they may think proper: *Provided*, That the clear value of such real and personal estate, exclusive of church and parsonage, shall not exceed the sum of ten thousand dollars: *and, provided, also*, That the church edifice shall, in no case, be sold or mortgaged except for the immediate erection of another of at least equal value, and that the parsonage and church lot shall not be disposed of or mortgaged except on condition of the immediate purchase of a site and the erection or purchase of another parsonage of at least equal value, for the use of the rector or assistant minister for the time being.

May purchase and hold real estate

May mortgage or dispose of.

SEC. 3. The rents and revenues of this corporation shall be from time to time applied for the maintenance and support of the rector, ministers, sexton and other necessary officers of this church, and in the erection or necessary repairs of church and parsonage and other buildings which now do or may hereafter

Rent, how applied.

belong to the said corporation or to the improvement of grounds thereunto belonging, or to defray the expenses incident to the maintenance of public worship, and to no other use or purpose whatsoever.

Minister must be
ordained.

SEC. 4. No person shall be rector or assistant minister of the church, unless he be a minister duly ordained and in full and regular standing in the Protestant Episcopal Church of the United States of America, and duly recognized as such, according to the constitution and canons of the same.

Vestry to choose
warden.

SEC. 5. The vestry of this church shall have power to choose their own officers, and they shall, at their first meeting after their election, or as soon thereafter as practicable, choose one of their number to be one church warden, who shall be called the accounting warden, and the rector for the time being shall elect another of the said vestrymen to be the senior warden of said church.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER XXIV.

AN ACT to Incorporate Trinity Church at Lawrence.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That Charles Reynolds, Charles H. Branscomb, A. C. W. Safford, G. A. Reynolds, John Hutchinson and Samuel Reynolds, be and they are hereby incorporated a body politic and corporate, and shall be known as "The Pastor and Vestry of Trinity Church of the City of Lawrence," and [as] such shall have and enjoy, in the city of Lawrence, the same rights, powers and franchises that are conferred by an act entitled "An Act to incorporate St. Paul's Protestant Episcopal Church at Wyandott," passed at this session of the Territorial Legislature, as fully

Power, right and
privilege.

and effectually as said corporation at Wyandott, and by law entitled to the same.

A. LARZALERE,
Speaker of the House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 8, 1859.

S. MEDARY,
Governor.

CHAPTER XXV.

AN ACT to Incorporate the Americus Cemetery Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Arthur I. Baker, David Swim, J. M. Walker, Corporators. and their associates and successors, be and they are hereby created a body corporate and politic by the name and style of "The Americus Cemetery Association," and by that name have perpetual succession, [may] sue and be sued, plead and be impleaded, defend and be defended, in all courts in this Territory, and, in like manner, to have and use a common seal, which they may alter or change at pleasure, to have a constitution, and to make such by-laws, rules and regulations under the same as may be deemed necessary for the good government of the corporation and the efficient management of its affairs : *Provided*, The same do not conflict with the public law of the land.

SEC. 2. The corporators named in the foregoing section shall Officers. have power to fill vacancies occurring in their board, to elect one of their number as president of the board, appoint a secretary and treasurer, and such officers as the board shall deem needful, and prescribe their duties and terms [of] office ; they shall also keep a faithful record of their proceedings, copies of which, certified under the seal of the corporation, shall be received as evidence in all courts in this Territory.

SEC. 3. Said corporation shall have power to purchase and hold land to be appropriated to and used as a cemetery or burying ground, and may divide the same into lots and subdivisions in said cemetery, for the purpose aforesaid, subject to such conditions as may be prescribed by its by-laws ; and every lot or right sold and conveyed shall be held and used by the proprietors Corporation may buy and hold lands.

thereof for the purposes aforesaid, and shall not be subject to attachment or sold under execution, nor by order of any court, or be conveyed by the owner out of his family after interments have been made in said lot.

Attestation of
deeds

SEC. 4. All deeds for the conveyance of lots or subdivisions in said cemetery, shall be signed by the president of said corporation, and attested by the secretary, with the seal of the corporation attached, and the further certificate of the secretary that the president executed the same, shall be deemed a sufficient authentication of said deed in all courts and places whatsoever.

Improvements.

SEC. 5. It shall be lawful for said corporation to hold any grant or bequest of money or property in trust, and to apply the same or the income thereof, under the direction of said board, for the improvements of said cemetery or any portion thereof, or in the erection of buildings, preservation of tombs or monuments, according to the terms of any such grant or bequest.

Willful injury
to property a mis-
demeanor.

SEC. 6. Any person or persons who shall willfully injure or damage the tombs or monuments in said cemetery or any of them, or the fences by which they may be surrounded, or the shrubbery or other parts of said cemetery, shall be held to be guilty of a misdemeanor, and punished according to the laws of the Territory.

Exempt from tax-
ation.

SEC. 7. The property of said association shall be exempt from taxation for either State, county or corporation purposes, and, also, all lots and subdivisions which may be sold to persons as herein before specified.

SEC. 8. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XXVI.

AN ACT to Incorporate the Spring Hill Cemetery Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That A. B. Simmons, William A. Jenkinson,

George Sprague, J. B. Hovey and their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the "Spring Hill Cemetery Association," and by that name have perpetual succession, [may] sue and be sued, plead and be impleaded, defend and be defended, in all courts in this Territory, and may have and use a common seal, which they may alter or change at pleasure, and [have power] to make such by-laws, rules and regulations as they may deem necessary for their good government and for the management of their affairs.

SEC. 2. There shall be elected, annually, at such time as the by-laws may prescribe, one president, one secretary, and one treasurer, who, together with two others, members of the association, also to be elected annually, shall constitute a board of trustees, whose duty it shall be to conduct the affairs of said corporation. Said board shall keep a faithful record of all their proceedings, certified copies of which shall be received as evidence in all the courts of this Territory.

SEC. 3. Said corporation shall have power to purchase and hold land, to be appropriated to and used for a cemetery or burying ground, not exceeding forty acres, and within one mile of Spring Hill; they shall, also, have authority to receive gifts and bequests for the purpose of improving said cemetery; they shall have power to divide their land into lots and subdivisions for the purposes aforesaid, and to tax their property for purposes of general improvement.

SEC. 4. Said corporation shall have power to convey, by deed or otherwise, any lot or lots upon their grounds, for purposes of sepulchre; when such lots shall have been surveyed and platted, they shall be recorded in the clerk's office of the county court wherein the same are situate, and shall not afterwards be changed or altered. All the grounds held by said association, and to be used for burial purposes, shall be exempt from public taxation while so used. Every lot sold and conveyed in said cemetery shall be held by the proprietor for the purposes of sepulchre alone, and shall not be subject to attachment or execution.

SEC. 5. All deeds of conveyance of lots in said cemetery shall be signed by the president and secretary, with the seal of the corporation attached. All owners of lots purchased of said corporation shall become members thereof, and entitled to a vote in the election of its officers.

SEC. 6. Any person who shall willfully injure any of the

tombs, monuments, ornaments, shrubbery or fences belonging to said cemetery, shall be deemed guilty of a misdemeanor, and punished according to the laws of this Territory.

SEC. 7. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 8, 1859.

S. MEDARY,

Governor.

CHAPTER XXVII.

AN ACT Incorporating the Topeka Cemetery Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That Loring Farnsworth, F. L. Crane, C. C. Kellam, A. F. Whiting, H. C. Dickey, John Ritchey, W. H. Farnsworth, Wilson L. Gordon, James I. Holliday and J. C. Miller, their associates and successors, be and they are hereby constituted a body politic and corporate, by the name and style of "The Topeka Cemetery Association."

May purchase and hold lands.

SEC. 2. That said association shall be capable of holding, having, purchasing, and taking in fee simple or on lease, or by quit claim, or in possessory right by gift, grant, demise, purchase or otherwise, any lands, tenements or other estate, real, personal or mixed, as may be necessary and proper to carry on the operations of said association, not to exceed forty acres ; and they may also sell, alien or convey, lease or dispose of the same when the interests of the association may so require.

Seal.

SEC. 3. That said association may have a common seal, and the same may alter or change at pleasure : *Provided*, That any and all acts of said association shall be of full and binding force without such corporate seal.

General powers.

SEC. 4. That said association, by their corporate name, may sue and be sued, implead and be impleaded, answer and be answered to, in any and all courts of the Territory or elsewhere,

and shall, in their corporate capacity, be liable for all debts contracted, or damages resulting from any corporate act of said association: *Provided*, That nothing in this section contained, shall be so construed as to affect the individual liability of the members of said association, under any existing laws of this Territory.

SEC. 5. That said association may make, ordain and establish ^{By-laws.} such by-laws and regulations as may be necessary for the government of the same, and shall provide for the election of their ^{Elections.} own officers, and shall have power, until otherwise ordered by law, to establish all necessary regulations in relation to the disposition of the grounds and lots for burial purposes; and to regulate burials, and also for the protection of the burial grounds, and all useful or ornamental improvements thereon.

SEC. 6. That said association may do all other acts not incon- ^{Privileges.} sistent with law or established usages, which may be necessary fully to carry out the purposes of the association.

SEC. 7. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 2, 1859.

S. MEDARY,

Governor.

CHAPTER XXVIII.

AN ACT granting a Divorce to Charlotte M. Cummings.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Charlotte M. Cummings be and hereby is ^{Parties divorced.} divorced from her husband, Cyrus W. Cummings, and is hereby released from all the bonds of matrimony and incidents thereto, and is hereby restored to all the privileges of a single woman, and has power to change her name and hereafter be known in her maiden name.

SEC. 2. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XXIX.

AN ACT Divorcing Frances G. Coburn and Edward O. Coburn.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Parties divorced. SECTION 1. That the bonds of matrimony now existing between Frances G. Coburn and Edward O. Coburn, her husband, be and the same are hereby dissolved and declared to be void, and the parties aforesaid are hereby declared to have all the rights and privileges that they would have possessed had such marriage contract never existed.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 10, 1859.

S. MEDARY,

Governor.

CHAPTER XXX.

AN ACT Divorcing H. L. Holden and Josephine E. Holden.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the marriage contract between H. L. Holden

and Josephine E. Holden, be and is hereby declared null and void, and that the same parties be and are hereby divorced from the bonds of matrimony and restored to all their rights and privileges, the same as if said marriage contract had never existed. Parties divorced.

SEC. 2. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER XXXI.

AN ACT Divorcing Lorenzo Hoyt and Sarah E. Hoyt.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the marriage contract between Lorenzo Hoyt and Sarah E. Hoyt be and the same hereby is declared null and void, and that the parties be and hereby are divorced from the bonds of matrimony and restored to all their rights and privileges, the same as if said marriage contract had never existed. Parties divorced.

SEC. 2. That the said Sarah E. Hoyt is hereby made the guardian of the minor children of the said parties, to the entire exclusion of the said Lorenzo Hoyt. Guardian of children,

SEC. 3. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XXXII.

AN ACT Divorcing Horace E. Swan and Harriet J. Swan.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Parties divorced. SECTION 1. That the marriage contract between Horace E. Swan and Harriet J. Swan be and hereby is declared null and void, and the said parties be and are hereby divorced from the bonds of matrimony and restored to all their rights and privileges, the same as if said marriage contract had never existed.

SEC. 2. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives,
C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY,
Governor.

CHAPTER XXXIII.

AN ACT Divorcing Alvin Winants and Maria P. Winants.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Parties divorced. SECTION 1. That the marriage contract between Alvin Winants and Maria P. Winants be and is hereby declared null and void, and that the said parties are hereby divorced from the bonds of matrimony, and restored to all their rights and privileges, the same as if said marriage contract had never existed.

SEC. 2. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY,
Governor.

CHAPTER XXXIV.

AN ACT Divorcing Willham Whitehead from his wife, Rhoda Jane Whitehead.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the bonds of matrimony now and heretofore Parties divorced. existing between William Whitehead and Rhoda Jane Whitehead are dissolved, and the said parties restored to all their rights and privileges, as if the said marriage had never been contracted.

SEC. 2. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XXXV.

AN ACT Divorcing Charles A. Wright and Maria Ann Wright; also, Horatio F. Bardwell and Susan D. Bardwell.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the marriage contract between Charles A. Parties divorced. Wright and Maria Ann Wright, also, between Horatio F. Bardwell and Susan D. Bardwell, be and hereby are declared null and void, and the said parties be and hereby are divorced from the bonds of matrimony and restored to all their rights and privileges, the same as if said marriage contract had never existed.

SEC. 2. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XXXVI.

AN ACT to Incorporate the Pike's Peak Express Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That John P. Wheeler, Charles H. Valentine, A. D. Richardson, E. S. Nash, Dan Newcomb, Arthur M. Claffin, John J. Ingalls, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the "Pike's Peak Express Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity, in this Territory or elsewhere.

To have seal and make by-laws.

Said company is authorized to have and use a common seal and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

Powers.

SEC. 2. That the corporation hereby created shall have power to make contracts for and engage in the transportation of money, bullion, packages, goods, chattels, passengers and every description of property which may be intrusted to said company, and shall establish regular and uniform rates for transporting the same; shall have power to hold, mortgage or dispose of real estate, and to adopt routes over which to prosecute the carrying and express business.

Stock personal property.

SEC. 3. That the stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing of said stock and the transfer thereof by each individual stockholder.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER XXXVII.

AN ACT to Incorporate the Leavenworth City Gas Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That J. T. Weed, A. A. Whittemore, J. C. Green, Corporators. A. M. Sawyer, Samuel Harsh, and such other persons as may hereafter become associated with them, shall be and they are hereby created, constituted and made a body politic and corporate, by the name and style of the "Leavenworth City Gas Company," and, by that name and style, they and their successors and assigns shall have perpetual succession and shall be entitled to all the privileges and immunities of a body corporate and politic, such as contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered, in all courts and places and in all matters whatsoever, with full powers to acquire, hold, occupy, enjoy, dispose and convey all such real and personal estate as may be necessary and proper for the erection, construction, extension, repair and usefulness of the buildings and works of the said company, and for the management and good government of the same; and they and their successors may have a May have seal. common seal, and may make and alter the same at pleasure.

SEC. 2. The said company shall have full power and authority to manufacture and sell gas, to be made from any and all the substances and combinations thereof, from which inflammable gas is obtained, and to be used for the purpose of lighting the city of Leavenworth, or the streets thereof, and any buildings, manufactories, public places or houses therein contained, and for any other purpose or purposes for which gas can be used; and to erect all necessary buildings, works and apparatus, and to lay pipes for the purpose of conducting the gas through any of the streets, lanes, alleys, highways and avenues of the said city and the several additions already made or hereafter to be made to the said city. Powers.

SEC. 3. That, if any person or persons shall wilfully do or cause to be done any act or acts whatever, whereby any building or buildings, works or other property of the said company, or any engine, machine, apparatus or structure, or matter or thing appertaining to the same shall be stopped, obstructed, impaired, injured or destroyed, the person or persons so offending shall be deemed guilty of a misdemeanor, and, also, shall forfeit and pay Persons injuring property of company how punished.

to the said company double the amount of damages sustained by means of such offence or injury, to be recovered in the name of said company, with costs of suit, in any court having jurisdiction of the same.

Capital stock.

SEC. 4. The capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for in such manner and proportion as shall be prescribed by the by-laws and rules of said company.

By-laws.

SEC. 5. The stockholders shall have full power to make such by-laws and rules for regulating the affairs of said company as they shall deem necessary respecting the management and disposition of the stock, profits, property and estate of said company; the duties of the officers, artificers and agents to be employed; the number and election of directors, and all such matters as appertain to the concerns of said company.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XXXVIII.

AN ACT to Incorporate the Atchison Fire and Marine Insurance Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Capital stock.

SECTION 1. That a Fire and Marine Insurance Company is hereby established in the city of Atchison with a capital stock of two hundred thousand dollars.

Corporators.

SEC. 2. That G. H. Fairchild, L. C. Challis, S. C. Pomeroy, Robert Graham, William Challis and P. T. Abell, of Atchison and Doniphan counties, or any three of them, are hereby constituted commissioners to open books for the subscription to the capital stock of said company.

Books to be opened.

SEC. 3. All the powers, conditions and provisions of an act entitled "An Act to Incorporate the Leavenworth Fire and Marine insurance Company," and approved Feb. 20, 1857, which are by law conferred on said company by the aforesaid act, are by this act extended to and conferred on the Atchison Insurance Company, provided for in this act. Privileges of an act of 1857 extended to this company.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY, *Governor.*

CHAPTER XXXIX.

AN ACT to Incorporate the Leavenworth Fire and Marine Insurance Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That a Fire and Marine Insurance Company is hereby established in the city of Leavenworth, with a capital stock of two hundred thousand dollars. Capital stock.

SEC. 2. That Samuel Harsh, Thomas J. Graham, Scott J. Anthony, Samuel F. Johnson and C. B. Brace are hereby constituted commissioners to open books for the subscription to the capital stock of said company. Corporators. Books to be opened.

SEC. 3. All the powers, conditions and provisions of an act entitled "An Act to Incorporate the Leavenworth Fire and Marine Insurance Company," and approved Feb. 20, 1857, which are by law conferred on said company by the aforesaid act, are by this act extended to and conferred on the Leavenworth Insurance Company, provided for in this act. Privileges of an act of 1857 conferred.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 9, 1859.

S. MEDARY, *Governor.*

CHAPTER XL.

AN ACT to Incorporate the Leavenworth Literary Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That Henry J. Adams, J. L. McDowell, John P. Hatterscheidt, James McCahon, G. I. Park, Frank Palmer, A. W. Pitzer and their associates and successors, be and they are hereby constituted a body corporate and politic, under the name and style of the Leavenworth Literary Association, and by that name to have continual succession, and be capable of suing and being sued, to plead and be impleaded, to answer and be answered unto, to defend and be defended, in all courts and places whatsoever ; that they and their successors may have a common seal, and may change, break or alter the same at their pleasure, and be in law capable of holding and conveying any estate, real, personal or mixed, for the use of said corporation.

Objects of association.

SEC. 2. That the object of said association shall be for the diffusion of useful knowledge among its members, and to that end, as aforesaid, may procure for the said association, by gift, grant or devise, suitable grounds, erect thereon proper buildings, found a library and reading room, collect a cabinet of minerals and natural curiosities and specimens in the various departments of sciences, institute a system of literary and scientific lectures, and such other appliances of education, not inconsistent with the general design of said association.

Power to make by-laws, &c.

SEC. 3. That said corporation shall have the power to ordain a constitution and by-laws for the admission and government of the members thereof, and to alter or amend the same at pleasure : *Provided*, that nothing in such constitution or by-laws shall be repugnant to the laws of this Territory.

SEC. 4. That the property held or owned by this corporation shall be free and exempt from all taxation whatever.

SEC. 5. This act shall be in force and take effect from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER XLI.

AN ACT to Incorporate the Scientific and Historical Society of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Edward Clark, Chas. H. Branscomb, R. G. Elliott, Wm. Hutchinson, Chas. Robinson, W. I. R. Blackman, Samuel C. Harrington, B. W. Woodward, James S. Emery, E. S. Lowman, James Blood and Melancthon S. Beach, and their associates and successors, be and they are hereby constituted a body corporate and politic, under the name and style of the "Scientific and Historical Society of Kansas," and by that name to have continual succession, and be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended, in all courts and places whatsoever. They and their successors may have a common seal and may alter or break the same at their pleasure, and be in law capable of holding and conveying any estate, real, personal or mixed, or of receiving donations to be applied as the donors may direct, for the use of said corporation.

Corporators.

Power and privileges of corporators.

To have seal.

Power to hold and convey real estate, make donations.

SEC. 2. Said society shall be established in the city of Lawrence, and its object shall be the collection and preservation of a library and a cabinet of minerals, natural curiosities and specimens in the various departments of sciences, historical matter relating to the history of this Territory, Indian curiosities and antiquities, and all other matters of record, calculated to illustrate and preserve the history of the settlement of our Territory ; also, the general diffusion of useful knowledge among its members, their improvement in oratory, elocution and the arts and sciences generally.

Object of association.

SEC. 3. Said society shall have power to ordain a constitution and by-laws for the admission and government of its members, and to alter and amend the same at pleasure: *Provided*, that nothing in such organization shall be repugnant to the laws of this Territory.

Power to make constitution and by-laws.

SEC. 4. All property held or owned by this society, and used exclusively for its purposes shall be free and exempt from taxation.

SEC. 5. This act shall be in force and take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER XLII.

AN ACT to Incorporate the Wyandott Mercantile Library and Literary Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That John McAlpin, William Y. Roberts, James McGrew, Josiah Walker, J. Edmond Bennett, J. W. H. Watson, William McKay, William L. McMath, J. P. Root, and their associates and successors, be and they are hereby constituted a body corporate and politic, under the name and style of the "Wyandott Mercantile Library and Literary Association," and by that name to have continual succession, and be capable of suing and being sued, to plead and be impleaded, to answer and be answered unto, to defend and be defended in all courts and places whatsoever; that they and their successors may have a common seal, and may change, break or alter the same at their pleasure, and be in law capable of holding and conveying any estate, real, personal or mixed, for the use of said corporation.

Power to sue and be sued.

To have seal.

Object of association.

SEC. 2. That the object of said association shall be for the diffusion of useful knowledge among its members, and to that end as aforesaid, may procure for the said association, by gift, grant or demise, suitable grounds, erect thereon proper buildings, found a library and reading room, collect a cabinet of minerals and natural curiosities and specimens in the various departments of science, institute a system of literary and scientific lectures, and such other appliances of education not inconsistent with the general design of said association.

To make constitution and by-laws.

SEC. 3. That said corporation shall have the power to ordain a constitution and by-laws for the admission and government of

the members thereof, and to alter or amend the same at pleasure :
Provided, That nothing in such constitution or by-laws shall be repugnant to the laws of this Territory.

SEC. 4. That so much of the property of the association, real or personal, the proceeds whereof shall be used exclusively for the uses of the association shall be exempt from taxation. Property exempt from taxation.

SEC. 5. This act shall be in force and take effect from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved January 25, 1859.

S. MEDARY,
Governor.

CHAPTER XLIII.

AN ACT Incorporating the Grand Lodge of the Independent Order of Odd Fellows of Kansas and Subordinate Lodges.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That John Collins, Thomas Plowman, C. A. Logan, G. W. Brown, H. W. Martin, W. A. Shannon, W. McKay, H. J. Canniff, John A. Fligor, B. D. Castleman, B. W. Hartley, J. C. Hemingray, their associates and successors, be and hereby are created a body politic and corporate, by the name and style of the "Grand Lodge of the Independent Order of Odd Fellows of Kansas," and they and their associates and successors shall have perpetual succession, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered in all courts of law and equity in this Territory and elsewhere, to make and have a common seal, and the same to break, alter or amend at pleasure, to make and ordain such rules, regulations and by-laws for their government as they may deem proper, and may change and renew the same at pleasure : *Provided*, They do not contravene the constitution or laws of the United States or of this Territory. Corporators.

SEC. 2. The said corporation shall have the right to purchase and hold suitable lots in any county of this Territory, upon Privileges of incorporation. May purchase lots and build on the same.

which to erect such buildings as may be wanted for the use of the grand lodge and grand encampment, and for schools, burial and other purposes of the order.

May hold property.

SEC. 3. The said corporation shall have power to raise money by subscription, purchase, gift or demise to any amount not exceeding three hundred thousand dollars, to be used for the purposes of the institution.

May sell and convey land

SEC. 4. The said corporation shall have power to sell or otherwise dispose of the ground or other property acquired by virtue of this act, and to convey the same by deed or otherwise, through such officers as the grand lodge may designate, or any portion thereof: *Provided*, they deem the same necessary or for their interest.

Amendments.

SEC. 5. Said grand lodge shall not have or exercise, under this charter, any power or privileges not herein expressly granted; and the Legislature reserves the right to amend, modify or repeal this act, but no repeal or amendment shall deprive the said Grand Lodge I. O. O. F. of Kansas of the property and effects acquired or held under this charter

Subordinate lodges

SEC. 6. The said grand lodge or its legally constituted officers, shall have power to charter such subordinate lodges as they may deem proper, under such rules and regulations as they have or may adopt, and said subordinate lodges shall be deemed corporate bodies, with all the legal privileges of the grand lodge, with power to sue and be sued, plead and be impleaded, to hold real and personal property, and do such other things as properly belongs to a corporate body, upon filing with the grand secretary of said grand lodge a copy of their constitution and by-laws, attested by their elective officers under the seal of their lodge: *Provided*, That each subordinate lodge shall not be possessed of any property exceeding fifty thousand dollars in value.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XLIV.

AN ACT Incorporating Topeka Lodge of Ancient Free and Accepted
Masons.

*Be it enacted by the Governor and Legislative Assembly of
the Territory of Kansas :*

SECTION 1. That Joel Huntoon, Worshipful Master; C. K. ^{Corporators.}
Holliday, Senior Warden, and Jeremiah Murphy, Junior War-
den, of Topeka Lodge of Ancient Free and Accepted Masons,
and their successors in office, be and they are hereby created a
body politic and corporate, by the name and style of "Topeka
Lodge of Ancient Free and Accepted Masons," and by such
name and style may sue and be sued, contract and be contracted <sup>May sue and be
sued, &c.</sup>
with, plead and be impleaded, answer and be answered, defend
and be defended against, in all courts and places whatsoever;
and to purchase and hold real and personal estate, so far as may <sup>May hold real and
personal prop-
erty.</sup>
be necessary for the proper management of its affairs, to have
and use a common seal, with power to alter the same at pleasure,
and to do all other acts which natural persons might or could do.

SEC. 2. This act to take effect and be in force from and after
its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XLV.

AN ACT to change the name of Robert Peet to Robert B. Wilson.

*Be it enacted by the Governor and Legislative Assembly of
the Territory of Kansas:*

SECTION. 1. That the name of Robert Peet be and is hereby
changed to that of Robert B. Wilson.

SEC. 2. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

G. W. BABCOCK,
President of the Council.

Approved February 7, 1859:

S. MEDARY,
Governor.

CHAPTER XLVI.

[Council Bill No. 115.]

AN ACT to amend an Act entitled "An Act to Incorporate the Atchison and Fort Riley Railroad Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That section one of "An Act to incorporate the Atchison and Fort Riley Railroad Company," approved February 17th, A. D. 1857, shall read as follows: "That Samuel C. Pomerooy, R. McBratney, P. T. Abell, L. C. Challis, W. E. Gaylord, Robert Wilson, Andrew J. Mead, W. L. Challis, C. E. Woodfolk and Robert Graham, and such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate, by the name of the "Atchison and Fort Riley Railroad Company," and under that name and style shall be capable of suing and being sued, impleading and being implead, defending and being defended against, in law and equity, in all courts and places; may make and use a common seal, and alter or renew the same at pleasure; be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges and immunities, and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act."

Shall have a seal.

May survey and locate.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from the town of Atchison to the southern line of the Territory, by Fort Riley, in the direction of Fort Union.

SEC. 3. This act shall take effect and be in force from and after its passage; and all acts, heretofore passed, inconsistent with this act, are hereby repealed.

AMENDMENT TO COUNCIL BILL No. 115.

SECTION 1. Said company shall have power to organize under the act of which this is amendatory, within three years from the passage of this act, and shall commence the construction of said road within five years thereafter. Organize in three years; commence bridge in five years.

SEC. 2. Subscriptions of stock may be made in real estate, and the installments paid thereon in real estate at appraised value. Subscriptions in real estate allowable.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XLVII.

AN ACT Incorporating the Atchison and Topeka Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That S. C. Pomeroy, C. K. Holliday, Luther C. Challis, Peter T. Abell, Milton C. Dickey, Asaph Allen, Sam'l Dickson, Nelson L. Gordon, Geo. S. Hillyer, Lorenzo D. Bird, Jeremiah Murphy, Geo. H. Fairchild and R. L. Crane, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate, by the name of the "Atchison and Topeka Railroad Company," and under that name and style shall be capable of suing and being sued, impleading and be impleaded, defending and being defended against, in law and equity; in all courts and places; may make and use a common seal and alter or renew the same, be capable of contracting and be contracted with, and are hereby invested with all powers, privileges, immunities and franchises, and of acquiring, Corporators

by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.

Authorized to survey, &c.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from or near Atchison, on the Missouri river, in Kansas Territory, to the town of Topeka, in Kansas Territory, and to such point on the southern or western boundary of the said Territory, in the direction of Santa Fe, in the Territory of New Mexico, as may be most convenient and suitable, for the construction of such railroad; and, also, to construct a branch of said railroad to any points on the southern boundary of said Territory of Kansas, in the direction of the Gulf of Mexico.

Right of way.

SEC. 3. The said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, through the entire length of said road, upon such route as may be determined; and, for the purposes of depots, side tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land, earth or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Lands, &c., granted, and where to construct road.

SEC. 4. All such lands, materials and privileges, belonging to this Territory, or State hereafter, are hereby granted to such railroad, for the purposes named in the previous section; and may construct such road on or across other railroads, common roads, rivers or streams which it may intersect, in sufficient manner not to materially impair its usefulness.

Capital stock.

SEC. 5. The capital stock of said corporation shall be one million and five hundred thousand dollars, which may be increased, from time to time, to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the directors or laws of said company.

Board of Directors.

SEC. 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, three of whom, at least, shall be residents of Kansas, who shall be chosen annually, by

the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified; vacancies in the board may be filled by a vote of two-thirds of the remaining directors.

SEC. 7. The president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all the power herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandise, and authority of contract and management of the affairs, as may be necessary to carry into effect the intent of this act.

President and directors to have survey made.

SEC. 8. The said company shall have power to make, ordain and establish such by-laws, rules and regulations as may be deemed expedient for the objects and interests of the company: *Provided*, They be not inconsistent with the laws of the United States, or of this Territory. They shall have power to establish such rates for transportation and collect the same, and matters and things respecting the use of said road, the transportation of persons or property, as may be necessary.

By-laws.

SEC. 9. It may be lawful for said railroad company, their agents or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any lands, doing no unnecessary damage, without the consent of the owner, and may acquire by release, donation or otherwise, any lands, and may hold the same or convey to others, or use the same in any manner deemed for the interests of said company.

May enter upon land to make surveys.

SEC. 10. If said company cannot obtain the right of way by purchase or otherwise, or if the owners refuse to agree upon terms, or where the owner is unknown, non-resident, idiot, or under age, either party may make application to the district where the lands are situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damage to lands required for the purpose of the road.

Right of way.

SEC. 11. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands; said commissioners shall, by public notice, appoint a time and place, and may adjourn, if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damage, if any, and, under oath, impartially and justly to appraise the lands necessary for the use of said company, and

Damages to be assessed.

faithfully perform the duty to the best of their judgment and ability. They or a majority of them, shall make up and sign the award to the parties, embracing a description of the lands and amount of damages to each, and make a return of their doings to the judge of the district court. The commissioners making such appraisal shall be entitled to pay for their services [at the rate] of three dollars per day and ordinary traveling expenses, which shall be paid by said company.

Appeal.

In case of appeal, bond to be filed.

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid, upon application of the persons entitled to receive the same. In case of the appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

May occupy land by giving security.

SEC. 13. In case of appeal or disagreement in regard to the damages, the railroad company may occupy, for the purpose of the construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

Trespass.

SEC. 14. If any person shall carelessly, willfully or maliciously hinder, delay or obstruct the workmen, or the passage of trains, or shall place any obstruction on the track, or in any manner injure or destroy any tools, cars or other property of said railroad, or pertaining to it, or aid or abet any persons in the commission of such trespass, all such persons shall forfeit and pay said company, agents or servants treble the damages, as shall be proven by any court, and shall be liable to indictment and imprisonment for a term not exceeding five years, in the discretion of the court who shall try the same.

Map and profile to be made.

SEC. 15. Said corporation shall, within reasonable time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the Territory.

Books opened.

SEC. 16. When fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum actually paid to the grantees herein named, and a certificate from the majority of them, duly authenticated, filed in the office of the secretary of this Territory, they are authorized to organize the company and open books for further subscription, requiring payments or installments from time to time; and, in case of refusal or neglect

on the part of stockholders to make payment as required, the shares of such delinquents may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, shall be paid to such stockholder.

Shares of delinquents may be sold.

SEC. 17. When the citizens of any county or city of this Territory are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council making such subscription, in all respects as stock owned by individuals; and such railroad company may dispose of bonds, issued for such stock by said county or council, upon such terms as may be necessary.

City or county may subscribe stock.

SEC. 18. Subscriptions to the stock of said company may be made in land, in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same, as they may deem for their interest.

Stock may be subscribed in land.

SEC. 19. The company are hereby authorized to issue bonds upon their road, or hold and sell the same, in such amounts, upon such terms, above or below par, and at such rates of interest as may be determined, which shall be binding upon the parties interested: *Provided, however,* That said bonds shall not be issued for a less sum than five hundred dollars.

Company may issue bonds.

SEC. 20. This company shall have power to make such contracts and arrangements with other railroads which connect with or intersect the same, as may be mutually agreed upon by the parties, for leasing or running their roads, or any part thereof, in connection with roads in other States; and shall be empowered to consolidate their property and stock with each other, such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions; and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of this Territory.

May enter into contracts, &c., with other roads.

SEC. 21. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XLVIII.

AN ACT to Incorporate the Atchison and Pike's Peak Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. That Samuel C. Pomeroy, R. McBratney, P. T. Abell, Samuel Dickson, L. C. Challiss, C. E. Woolfalk, W. E. Gaylord and W. L. Challiss, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate by the name of the "Atchison and Pike's Peak Railroad Company," and all the powers, conditions and provisions of "An act to incorporate the Atchison and Fort Riley Railroad Company," approved February 17th, 1857, which are conferred by law upon said company by the aforesaid act, are by this act extended to and conferred upon the Atchison and Pike's Peak Railroad Company.

Privileges conferred.

Location.

SEC. 2. The said company are hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from the town of Atchison to the west line of this Territory, in the direction of Pike's Peak or the mouth of Cherry Creek in this Territory.

Organisation.

SEC. 3. Said company shall have power to organize, under this act, within three years from the passage of this act, and shall commence the construction of said road within five years thereafter.

SEC. 4. Subscriptions of stock may be made in real estate, and the installments paid thereon in real estate at the appraised value.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XLIX.

AN ACT to amend an Act entitled "An Act to Incorporate the Kansas Central Railroad Company," approved February 12, 1858.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the second section of the act entitled "An Act to incorporate the Kansas Central Railroad Company," approved February 12, 1858, shall be amended to read as follows :

SEC. 2. That the said company are hereby authorized and empowered to survey, locate, construct, complete, maintain and operate a railroad, with one or more tracks, from a point on the Missouri river at or near the mouth of the Kansas river, on the north side thereof, passing through the cities of Lawrence, Topeka and Manhattan, to a point at or near Fort Riley, with the right and privilege of extending the same to any point on the boundary of the Territory of Kansas, west of the sixth principal meridian, and to survey, locate, construct, maintain and operate a branch, with one or more tracks, from the city of Lawrence to a point on the Missouri river at or near the city of Leavenworth ; said branch to enjoy all the rights and privileges herein promised to the main line. Privileges conferred.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 3, 1859.

S. MEDARY,

Governor.

CHAPTER L.

AN ACT to Incorporate the Lawrence and Fort Union Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That H. P. Johnson, H. T. Green, Rufus Newland, Thomas Ewing, Jr., Samuel Harsh, N. McCracken, Ben- Corporators.

jamin McCreary, W. Y. Roberts, C. Robinson, Robert Morrow, George Ford, H. H. Herberling, P. C. Schuyler, J. M. Winchell, A. I. Baker, H. W. Fick, S. N. Wood, B. F. Watkins, P. B. Plumb, C. S. Hills, H. C. Safford, S. A. Breese, James Graham, A. N. Blacklidge, N. Allen, with such other persons as may associate with them for that purpose, are hereby incorporated a body corporate by the name of the "Lawrence and Fort Union Railroad Company," and under that name and style shall be capable of suing and being sued, pleading and being impleaded, defending and being defended against, in law and in equity, in all courts and places; may make and use a common seal, and alter and renew the same, be capable of contracting and being contracted with, and are hereby invested with all powers, privileges, immunities and franchises, and of acquiring, by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.

Powers.

Location.

SEC. 2. That the said company are hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from Lawrence city, thence in a southwesterly direction to any point on the southern or western boundary of Kansas Territory, in the direction of Fort Union and Santa Fe, New Mexico, with the privilege to construct, locate, maintain and operate branches to any point in any county through which the same may pass; said branch or branches to enjoy all the rights and privileges herein promised to the main line.

Right of way.

SEC. 3. That the said company are hereby authorized and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land not exceeding one hundred feet in width, through the entire length of said road, upon such route as may be determined, and, for the purposes of depots, side tracks, cutting and embankments, for building engine houses and shops or wood and water stations, may take more land, earth or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Railroad may cross other roads.

SEC. 4. That all such lands, materials and privileges, belonging to this Territory or State hereafter, [are hereby] granted to such railroad for the purposes named in the previous section. The said company may build said road along or across any Territorial or county road; said company shall keep good and suff-

cient causeways, or other adequate facilities for crossing the same, and said railroad shall not be so constructed as to prevent the public from using any road, street or highway, along or across which it may pass, and, when said road shall be built across any navigable stream, said company shall erect a bridge sufficiently high on which to cross, or shall construct a draw bridge so that in no case shall the free navigation of such stream be obstructed.

SEC. 5. That the capital stock of said corporation shall be Capital stock. three million of dollars, which may be increased from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the directors or the by-laws of said company.

SEC. 6. That all the corporate powers of said company shall Corporate power vested in directors. be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, five of whom, at least, shall be residents of Kansas, who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified. A vacancy in the board may be filled by a vote of two-thirds of the remaining directors or their officers or agents.

SEC. 7. That the president and directors, for the time being, President. are hereby empowered to execute all the powers herein granted for the purpose of surveying, locating, constructing and operating said road and branches, and for transporting of persons, goods and merchandize, and authority of contract and managing the affairs as may be necessary to carry into effect the intent of this act.

SEC. 8. That the said company shall have power to make, Rules and regulations. ordain and establish such by-laws, rules and regulations as may be necessary for the government of said company and the management of its affairs, and to establish rates of transportation and collect the same.

SEC. 9. That it may be lawful for said railroad company, May enter upon lands. their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner, and may acquire, by release, donation or otherwise, any lands, and may hold the same or convey to others, or use the same, in any manner deemed for the interest of said company.

Application to be made to court.

SEC. 10. That if said company cannot obtain the right of way by purchase or otherwise, or if the owners refuse to agree upon terms, or when the owner is unknown, non-resident, idiot or under age, either party may make application to the judge of the district court where the lands are situated, upon notice posted ten days, in some public place, asking the appointment of commissioners to appraise the damage of such lands as are required for the purpose of the road.

Court to appoint appraisers.

SEC. 11. That upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands. Said commissioners shall, by public notice, appoint the time and place, and may adjourn, if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and, under oath, impartially and justly to appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands and amount of damages to each, and make a report of their proceedings to the judge of the district-court aforesaid. The commissioners making such appraisal, shall be entitled to pay for their services at the rate of three dollars per day, and ordinary travelling expenses, which shall be paid by said company.

Either party may appeal.

SEC. 12. That if either party feel aggrieved by such appraisal or award, he may appeal, within twenty days after such award is made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid upon application of the persons entitled to receive the same. In case of appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

May occupy land by giving security.

SEC. 13. That, in case of appeal or disagreement in regard to the damages, [for land which] the railroad company may occupy, for the purposes of the construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

Obstruction on road.

SEC. 14. That, if any person shall carelessly, willfully or maliciously hinder, delay or obstruct the workman, or the passage of trains, or shall place any obstruction on the track or in any

manner injure or destroy any tools, cars or other property of said railroad or pertaining to it, or aid or abet any person in the commission of such trespass, all such persons shall forfeit and pay said company, agents or servants, treble the damages as shall be proven in any court, and shall be liable to indictment, and, upon conviction, shall suffer imprisonment, for a term not exceeding five years, in the discretion of the court who shall try the same.

SEC. 15. That said corporation shall, within reasonable time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the Territory. Maps and profiles.

SEC. 16. That when fifty thousand dollars shall have been subscribed to the capital stock, and two per cent. actually paid to the grantees herein named, and a certificate from the majority of them, duly authenticated, filed in the office of the secretary of this Territory, they are authorized to organize the company and open the books for further subscriptions, requiring payments on installments from time to time, and, in case of refusal or neglect, on the part of the stockholders, to make payment as required, the shares of such delinquents may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, shall be paid to such stockholders. When books shall be opened.

SEC. 17. That when the citizens of any county, incorporated town or city, of this Territory, are desirous of subscribing to the stock of said company, the citizens of such incorporated town, city or county, are authorized to purchase, subscribe or hold shares, not exceeding three hundred thousand dollars in amount, and shall be determined by the county court or common council, making such subscriptions, in all respects, as stock owned by individuals, and such railroad company may dispose of bonds issued for such stock by said county, city or council, upon such terms as may be necessary. Cities or counties may subscribe.

SEC. 18. That subscriptions to the stock of said company may be made in land, in the same manner as in cash, and said company are authorized to hold, purchase and convey the same, as they may deem for their interest. Subscription may be in land.

SEC. 19. That the company are hereby authorized to issue bonds upon their road, or hold and sell the same, in such amounts, upon such terms, above or below par, and at such rates of interest as may be determined, which shall be binding upon the parties interested: *Provided, further,* That whenever said company are indebted for work, labor, material or otherwise, they May issue bonds.

may issue their notes or bonds, in such sums and on such time as may be desired by the creditor, and as shall be provided for by the by-laws of said company.

Powers granted to company.

SEC. 20. That this company shall have power to make such contracts and arrangements with the corporate authorities of other railroads which connect with or intersect the same, as may be mutually agreed upon by the parties, for running upon their roads or any part thereof, in connection with railroads in any other State or Territory, and shall be empowered to consolidate their property and stock with each other; such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions, and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of this Territory.

SEC. 21. That the railroad company may commence the construction of the whole or any section of the road herein granted, not less than twenty miles in extent.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER LI.

AN ACT to amend an Act entitled "An Act to Incorporate the Missouri River and Rocky Mountain Railroad Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the second section of the act entitled "An Act to Incorporate the Missouri River and Rocky Mountain Railroad Company," approved February 5, 1859, shall read as follows:

Survey and locate

SEC. 2. That said company is hereby authorized and empowered to survey, locate, construct, alter, maintain and operate a railroad, with one or more tracks, from any point on the Missouri river, between the town of Delaware City, in Leavenworth county,

and the mouth of the Kansas river, passing through the cities of Lawrence, Topeka and Manhattan, to any point on the western boundary of Kansas Territory.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 1, 1859.

S. MEDARY,

Governor.

CHAPTER LII.

AN ACT to Incorporate the Wyandott and Osawatomie Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. A company is hereby incorporated, under the Capital stock. name and style of the "Wyandott and Osawatomie Railroad Company," the capital stock of which shall be one million dollars, to be divided into shares of one hundred dollars each, the holders of which, their successors and assigns, shall constitute a body corporate and politic, and by the name aforesaid shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against, and may have and use a May have a seal. common seal, and shall be able in law and equity to make contracts; may take, hold, use, possess and enjoy in fee simple or other title in and to any real estate, and may sell and dispose of Hold and convey real estate. the same; may make by-laws, rules and regulations proper for carrying into [effect] the provisions of this act, not repugnant to the constitution or laws of the United States or of this Territory, and shall have the usual and necessary powers of companies for such purposes.

SEC. 2. That W. Y. Roberts, J. P. Root, Daniel Killen, Ker- Directors. sey Coats, Dr. Lykins, O. C. Brown, William Ward, William Chesnut, J. C. Parish, Charles Robinson, B. Peoria, A. T. Ward, H. Torrey, J. W. Wright, B. M. Jewett and A. B. Simmons shall constitute the first board of directors under this act, and shall hold their offices until their successors shall be qualified. They shall meet at such time as shall be designated by a majority

Officers to be
elected.

of them, and organize by electing one of their own number as president of the board, who shall be, also, president of the corporation; and they may, also, elect a secretary and treasurer, who shall give suitable bonds to the corporation for the faithful discharge of their official duties.

Where road to be
located.

SEC. 3. Said company shall have power to survey, locate and construct a railroad from the city of Wyandott, at the mouth of the Kansas river, over such route as the company may designate, to Osawatomie.

Powers of former
act conferred.

SEC. 4. That all the privileges and provisions of an act entitled "An Act to Incorporate the Wyandott, Minneola and Council Grove Railroad Company," be and the same are hereby conferred upon the company hereby incorporated.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER LIII.

AN ACT to Incorporate the Kansas Medical Society.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. That Amory Hunting, S. B. Prentiss, J. P. Root, A. Fuller, C. F. Kobb, J. W. Robinson, J. B. Wheeler, L. C. Tolles, S. C. Harrington, A. Danford, C. E. Miner, J. B. Woodward, W. Madison, J. H. Phelps, O. Brown, Charles Robinson, M. F. Holaday, H. J. Canniff, A. J. Richee, M. Baily, J. M. Pelot, H. H. Beals, J. G. Blunt, T. Linsey, G. W. Beaumont, I. Leigh, A. Newman, M. Hartmann, Wm. Graham, and their associates and successors who shall be elected to membership as hereinafter provided, are hereby constituted a body corporate and politic, by the name of the "Kansas Medical Society," and shall have perpetual succession forever. Said society may have a common seal and change or alter the same at pleasure.

To have seal.

SEC. 2. The members of said society, in their corporate ca-

capacity, may elect such officers as they shall judge necessary for its government and the management of its affairs; determine the name, power, duty and term of office of each; also, the time and manner of said elections. May elect officers.

SEC. 3. Said society, by and in their corporate name, may have all the rights, privileges and powers of a natural person in law and equity. Natural rights.

SEC. 4. Said society may elect such persons to membership as they shall judge proper, and shall have power to expel, suspend or disfranchise the same, as members, from all the rights and privileges of the society; but such expulsion, suspension or disfranchisement shall be by a vote of two-thirds of all the members present, at a regular meeting of said society, of which due notice shall have been given. Power to elect or suspend members.

SEC. 5. Said society shall have full powers to make and enforce by-laws, and impose and collect at law any reasonable fines, not exceeding fifty dollars, as may be provided in said by-laws, for any and every violation or infraction thereof. Power to make by-laws, assess fines, &c.

SEC. 6. Said society shall issue certificates of membership to all its members, under such regulations as its by-laws may prescribe, and may, also, grant licenses to all respectable physicians, non-graduates, who shall, on examination, be found qualified for the practice of medicine and surgery, or either to practice those branches for which they are found qualified. Certificates of membership, licenses, &c.

SEC. 7. Any three members of said society may organize county or auxiliary societies in any county of this Territory, and said auxiliary societies, when so organized, shall have all the powers and privileges, in the corporate name which they may adopt, that are conferred by this act upon the Kansas Medical Society, and the officers of said auxiliary societies shall be honorary members of the Kansas Medical Society. County societies. Officers of county societies, &c.

SEC. 8. A meeting of the corporators, or a part thereof, shall be held in Lawrence, on February the 10th, A. D. 1859, for the purpose of electing the first officers and completing the organization. Time of holding first meeting.

SEC. 9. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

G. W. BABCOCK,

President of the Council.

Approved February 10, 1859.

S. MEDARY,

Governor.

CHAPTER LVI.

AN ACT to Incorporate the New-England Society of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That S. B. Prentiss, O. E. Learnard, J. P. Root, J. W. Robinson, Henry J. Adams, C. W. Babcock, John P. Richardson, Charles Robinson, J. M. Winchell, T. D. Thacher, A. G. Wilder, S. C. Pomeroy, M. C. Dickey, T. G. Thurston and A. D. Richardson, and their associates and successors, be and they are hereby constituted a body corporate, under the name of the "New England Society of Kansas," and by that name to have continual succession, and be capable of suing and being sued, to plead and be impleaded, to answer and be answered unto, to defend and be defended in all courts and places whatsoever ; that they and their successors may have a common seal, and may change, break or alter the same at pleasure, and be capable of holding and conveying any estate, real, personal or mixed, for the use of said corporation : *Provided*, Said corporation shall not hold any real estate, except such as may be necessary for the use of the society.

To have seal.

Objects of society

SEC. 2. The object of this corporation shall be to carry out such benevolent and social enterprises and purposes among its members as the society may, from time to time, desire to promote.

Power to make constitution and by-laws.

SEC. 3. The said corporation shall have power to ordain a constitution and by-laws for the government of the members thereof, and to alter or amend the same at pleasure : *Provided*, That nothing in such constitution or by-laws shall be repugnant to the laws of Kansas.

New members may be elected.

SEC. 4. That any person may be a member of this corporation who shall be elected by the members of said association, and who shall comply with the constitution and by-laws of the same.

Property free from taxation.

SEC. 5. That all property held or owned by the corporation, not exceeding five thousand dollars in value, shall be free from all taxation whatsoever.

Meetings may be called.

SEC. 6. That any five of the corporators above named may call a meeting for the organization of the society, by giving one day's notice in any newspaper published in Lawrence.

SEC. 7. That this act shall take effect and be in force from and after its approval.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 7, 1859.

S. MEDARY,
Governor.

CHAPTER LV.

AN ACT to Incorporate the Society of the Sons of Truth.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. [That] J. Wollman, president, B. Fletcher, vice Corporators. president, A. Sands, secretary, B. Frank, treasurer, S. Kohn, J. Ringolski and L. Reubin, trustees, and their associates and successors, be and they are hereby incorporated into and declared and made a body politic and corporate, by the name and style of the "Society of the Sons of Truth."

SEC. 2. That the objects of said society shall be to purchase, Objects of society in the corporate name, have, hold and maintain a cemetery, under such regulations and by-laws as said society may make, and, also, to use any property, real, personal or mixed, money or effects of said society, for any charitable purposes.

SEC. 3. That said society shall have power and be capable of holding, purchasing and taking, in fee simple or on lease, or by gift, grant, demise or otherwise, any lands, tenements or estate therein, or any property, real, personal or mixed, as may be beneficial or necessary, to carry on the objects of said society; and said society may, also, sell, alien, convey, lease or dispose of the same, as it may seem proper. Authorized to buy and hold real estate or personal property, and to dispose of the same.

SEC. 4. Said society may have a common seal, and may alter May have seal or change the same at pleasure: *Provided*, The acts of said society shall be binding and valid without a corporate seal.

SEC. 5. That said society, by its corporate name, may sue and May sue and be sued. be sued, implead and be impleaded, answer and be answered to, in any and all courts of the Territory and elsewhere, as an individual, and shall, in its corporate capacity, be liable for all debts contracted by said society, or damages resulting from any cor-

porate act of the same, and shall have all legal remedies in any or all the courts of this Territory, against all individuals and corporations, for any and all debts due or to become due to said society, or damages thereto as a corporate body.

May make by-laws.

SEC. 6. The said society may make, ordain and establish any by-laws and regulations necessary for the government of the same, not inconsistent with the constitution and laws of the United States or the organic act of Kansas Territory, or any existing laws of said Territory.

Election of officers.

Burial grounds.

SEC. 7. The said society may by by-laws establish and provide for the election of such officers as may be deemed necessary for its own welfare ; and shall [have] power to pass all the necessary by-laws and regulations in relation to the disposition of lots for burial purposes, and to regulate burials, walks and alleys, and, also, for the protection of the burial grounds, and all useful or ornamental improvements thereon.

Free from taxation.

SEC. 8. That all property, real, personal, or mixed, held by this corporation and belonging to said society in its corporate capacity, shall be free from all taxations or assessments whatsoever, either Territorial, county, township or city.

Time of existence

SEC. 9. That said society shall exist and continue as a corporate body, either until it is dissolved by its own members, or until this act is repealed or annulled by the Legislative authority of this Territory.

May do all acts not inconsistent with law and usage.

SEC. 10. Said society may do all other acts not inconsistent with law, established usage or its object, which may be necessary fully to carry [out] the purposes of said society.

SEC. 11. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER LVI.

AN ACT to Incorporate the Burlingame Seminary and Female Collegiate Institute.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That P. C. Schuyler, James Rogers, S. R. Can-niff, Levi Empie, M. A. Morse, and their associates and succes-sors, be and are hereby constituted a body corporate and politic, for the purpose of establishing an institution of learning, in the town of Burlingame, Shawnee county, Kansas Territory, under the name and style of "Burlingame Seminary and Female Col-legiate Institute," and by that name, in their corporate capacity, are, by virtue of this act, empowered to sue and be sued, plead and be impleaded, in all matters whatsoever, in any court of law or equity in this Territory.

Corporators and powers.

SEC. 2. That said body corporate are hereby authorized to have and use a common seal, and to alter the same at pleasure ; and to grant diplomas to those who may complete the prescribed course of study, and are found worthy, upon due examination by the proper officers, hereinafter provided for.

To have a seal.

Diplomas to be granted.

SEC. 3. Said corporation shall have power to purchase and hold real estate, and sell, dispose of and convey the same ; also, to erect a building or buildings, necessary for their accommoda-tion, and to receive and appropriate donations, in money or prop-erty, real, personal or mixed, and may do all other acts necessary for the accomplishment of their designs, not inconsistent with the laws of the land or the provisions of this act.

Power to pur-chase real estate.

Erect buildings.

SEC. 4. Said corporation shall have power to pass by-laws for the election and jurisdiction of such officers as may be necessary for the proper management of its literary and financial concerns.

Make by-laws for election of of-ficers.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 10, 1859.

S. MEDARY,

Governor.

CHAPTER LVII.

AN ACT to Incorporate the Tecumseh Female Seminary.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That Rev. C. M. Callaway, George R. Robinson, William Appleton, Charles J. Minnegrode, William J. Ellis, Rush Elmore, John T. Bush and Thomas N. Stinson are hereby constituted a body corporate, under the name and style of the "Tecumseh Female Seminary," and they shall have perpetual succession and a common seal, and in their corporate capacity may sue and be sued, plead and be impleaded, defend and be defended in all courts whatsoever.

May hold property.

SEC. 2. That said board of trustees shall have power to receive, acquire, recover and hold any money, or real or personal property or estate that may be granted, donated or devised for the use of said institution, or already subscribed therefor, and to dispose of any such property, in such manner as will best promote the object of their organization.

May confer degrees.

SEC. 3. That said corporation shall have power to confer all the literary honors and degrees conferred by similar institutions, and to create such other degrees as may best promote the education of pupils.

Elections.

SEC. 4. That the said board of trustees is hereby empowered to elect a faculty, appoint or elect professors, tutors and such other officers as the interests of the institution may require; they may, also, displace the same for sufficient reasons, and may make such by-laws and regulations as will, in their opinion, further the interests of the seminary.

By-laws.

Free from taxation.

SEC. 5. That the property held and owned and used exclusively for educational purposes by said corporation shall be free from all taxation whatever.

Remain where now located.

SEC. 6. That the Tecumseh Female Seminary shall remain where now located and in process of erection, within one mile of the limits of the city of Tecumseh.

SEC. 7. This act shall take effect immediately.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY, *Governor.*

CHAPTER LVIII.

AN ACT to Incorporate the Kansas and Missouri Stage Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That George Parks, William Wilson, Fielding Johnson, Alfred Gray [and] Peter Dunkle, be and hereby are incorporated as a body politic and corporate, by the name of the "Kansas and Missouri Stage Company," and by that name and style shall have corporate existence, and be entitled to all the privileges of a corporate body. Corporators.

SEC. 2. The capital stock of said company shall consist of fifty thousand dollars, with privilege to increase the same fifty per cent., which shall be paid in such time and manner as may be prescribed by the by-laws of said association ; and such association shall have power, in the corporate capacity aforesaid, to purchase horses, mules, stages and wagons, and other things necessary to run said stage line in the Territory of Kansas or State of Missouri, and to run the same, and to do all other acts and things which may be prescribed by the by-laws of said association, not in violation of the laws of said Territory. Capital stock. Powers.

SEC. 3. The stockholders in this company shall be individually liable for all debts of the company, contracted while they are such stockholders, and this act shall be in force from and after its passage. Liabilities.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 9, 1859.

S. MEDARY,
Governor.

CHAPTER LIX.

AN ACT to Incorporate the Kansas Central Telegraph Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Lyman Scott, J. C. Hemingray, H. P. John- Corporators.

son, E. D. Ladd, William Hutchinson, H. Shanklin, James G. Bailey, J. W. Robinson, E. Hoogland, Thomas Stinson, C. K. Holliday, George Russell, A. J. Mead and Falkner Johnston, their associates and assigns, who have acquired or may acquire the right to use and have either Morse's, House's, Bain's or any other electro magnetic telegraph, are hereby erected a body corporate, under the name of the "Kansas Central Telegraph Company," for the purpose of erecting and managing a line of telegraph from Leavenworth, by way of Lawrence and Fort Riley, to Council Grove; and, also, it shall be lawful for the said company to erect a branch line from Lawrence to some point near and above the mouth of the Kansas river, and that, upon a proper organization of said company being made, it shall be lawful for said company, directors and president to open books of subscription for stock in said company; and, also, to make and publish assessments upon said stock, to be employed in erecting said telegraph line; and, upon the non-payment of said assessment within thirty days after the same shall have become due, it shall be lawful for said company to sue and recover said amount from said delinquent stockholders, and, upon non-collection by said company, then the stock to be forfeited by the delinquent stockholders.

Books to be opened.

Capital stock.

SEC. 2. The capital stock of said corporation, hereby incorporated, shall be one hundred thousand dollars, and shall be divided into two thousand shares of fifty dollars each, and shall be issued to any person purchasing the same, at the rate of five shares per mile of telegraph put in operation or construction: *Provided*, That at no time shall the company be authorized to advertise for building said line, or to begin any part thereof, until ten per cent. of the above amount per mile has been paid in upon the line that is contemplated to be erected; but it shall be at the discretion of the stockholders whether more than the above amount of stock be issued for any one mile or miles of said telegraph line.

Meeting to be called.

SEC. 3. That the persons named in the first section, or any four of them, shall call a meeting, to be held within six months after the passage of this act, of the said company, giving three weeks' notice of the time and place of the meeting, by publication in at least one paper published in Lawrence and one in Leavenworth, at which meeting seven directors shall be elected, by ballot, to manage the affairs of the company, to serve for one year, or until their successors are chosen. The directors shall elect

one of their number president, and such other officers and ap- Elect president and other officers.
 point such agents as they may deem necessary, and fix the
 amount of the salaries attached to the several offices; and shall
 exercise all powers pertaining to the making, maintaining, using
 and managing such telegraph line, and the affairs, interests and
 business of the said corporation, authorized by its by-laws. The
 persons named in the first section of this act shall serve as direc-
 tors until the first meeting thus called. The annual meetings of Annual meetings.
 said company shall be held afterwards on the first Wednesday of
 July, in each year, unless the stockholders, at an annual meet-
 ing, shall otherwise direct; and special meetings shall be called Special meetings.
 by the president and directors, whenever, in their opinion, the
 interests of the company may require it, or when it may be de-
 manded by persons holding one-third of the stock; such reason-
 able notice to be given of the time and place of such meetings as
 may be prescribed by the by-laws of the company.

SEC. 4. That the president, treasurer and secretary shall hold Term of offices.
 their offices for one year, and until their successors shall be elect-
 ed, and shall exercise such powers pertaining to the construction
 and management of said telegraph, not incompatible with the
 laws of the United States and of this Territory.

SEC. 5. That at every election each share shall entitle its Qualifications of electors.
 holder to one vote, and absent stockholders may vote by agents
 or proxies, producing written authorities. In case of a tie the
 election shall be decided by lot.

SEC. 6. That the corporation hereby created shall have power, Contracts.
 by contracts with other persons or companies, to connect their
 lines of telegraph with lines out of this Territory.

SEC. 7. That it shall be lawful for any city, county or com- City or county may take stock.
 pany to subscribe to the capital stock of said company, and to be
 represented by their agent or attorney.

SEC. 8. That the Kansas Central Telegraph Company shall Right of way.
 have the right to pass any stream, road or street of this Terri-
 tory, without being subject to indictment as a nuisance, or to be
 abated by any private person or company: *Provided*, That the
 fixtures in such case be so placed as not to interfere, or interrupt,
 or endanger in any way the proper use of said stream, road or
 street, or with the proper use of any premises by any land owner;
and, provided, That no person or company shall be entitled to
 sue for or recover damages as aforesaid, until said company, after
 due notice, in writing, shall have failed to remove or change said
 fixtures complained of; and notice given any agent shall be suf-
 ficient notice in the premises.

General powers
conferred on.

SEC. 9. That said company shall have the right to sue and be sued, complain or defend in any court of law or equity, to make and use a common seal, alter the same at pleasure, purchase, hold, receive or dispose of real estate, for the lawful purposes of said company, or convey the same when no longer required. This corporation and all other companies organized under the laws of this Territory, shall have power to change their names and places of business, at such times and to such places within this Territory as the managers thereof shall determine.

Offices, dispatches
&c.

SEC. 10. That the company shall keep its offices open not less than six hours each day, and keep all communications strictly confidential; shall give preference in all cases to public dispatches, when the country is in a state of war, sedition or riot, or for the prevention of crime, or the arrest of persons on suspicion thereof. Said company shall, also, have power to sue and recover damages for injury or interruption to said line, to the full amount of time lost and repairs, and a fine besides of five hundred dollars, and, on non-payment of damages, by imprisonment not less than three nor more than twelve months.

May fine and im-
prison for dam-
age.

Issuing of notes
or scrip prohibi-
ted.

SEC. 11. That this company shall not be permitted to issue any note, token, device, scrip or other evidence of debt, to be used as a currency.

Shall organize
and complete
when.

SEC. 12. That, if said company shall fail to organize within six months, or to complete at least thirty-five miles of said line of telegraph within eighteen months from the first of June next, this charter and all rights under it shall be forfeited.

Amendments.

SEC. 13. That this act of incorporation shall endure for twenty years from its passage, and the Legislative Assembly reserves to itself the right to alter or amend this act of incorporation at pleasure: *Provided*, That no injustice shall be done the incorporators.

Dividends de-
clared semi-an-
nually.

SEC. 14. That dividends of the actual profits of the company shall be declared semi-annually, in the months of March and September in each year: *Provided*, That no dividend shall be declared which shall impair the capital stock of said company.

SEC. 15. That an act entitled "An Act to incorporate the Kansas River Telegraph Company" is hereby repealed.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY, *Governor.*

CHAPTER LX.

AN ACT for the Establishment of a University at Lawrence, in the County of Douglas, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That there be and is hereby created and established, at or near the city of Lawrence, in the county of Douglas, in Kansas Territory, an institution of learning, for the education of youth in the various branches of literature and science, and with full university powers to give instruction in theology, medicine and law; the name, style and title of which university, and the constitution thereof, shall be and are as follows :

Lawrence university established.

SEC. 2. That said institution shall be called and known by the name of "Lawrence University."

Name.

SEC. 3. This university shall be under the management, direction and government of a board of trustees, not exceeding twenty-one, or a quorum thereof, as hereinafter mentioned.

Management.

SEC. 4. That the trustees of said university shall consist of the following persons, to wit: C. E. Miner, Wm. Bishop, G. W. Hutchinson, John M. Coe, A. W. Pitzer, E. Nute, Jr., Chas. Robinson, S. C. Pomeroy, C. H. Branscomb, W. Wilson, Jas. A. Finley, C. L. Edwards, T. Dwight Thacher, Chas. Reynolds, Robt. Morrow, Jas. Blood, R. S. Symington, Josiah Miller, Lyman Allen, Thos. Ewing, Jr., F. P. Monfort. The said trustees and their successors, to be elected as hereinafter mentioned, shall be forever hereafter, and they are hereby created, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever.

Names of trustees *

SEC. 5. That the persons named in the fourth section of this act, and their successors in office, shall be known by the name, style and title of "The Trustees of Lawrence University," by which name and title they shall be able and capable at law and in equity, to take to themselves and their successors, for the use of said university, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, moneys or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever; and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise and to

Powers of the corporation.

farm, let and place out at interest, or otherwise dispose of or invest for the said university, in such manner as to them shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use of said institution, and by the same name to sue, commence, prosecute and defend, implead and be impleaded, in any courts of law and equity, and in all manner of suits and actions whatsoever, and in general, by and in the same name, to do and transact all and every business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person or body politic or corporate have power to manage their own concerns ; and to hold, enjoy and exercise all such powers, authorities and jurisdictions as are customary in other universities in the United States of America.

Seal.

SEC. 6. That the said trustees shall have power to make, for their use, one common seal, with such devices or inscriptions thereon as they shall think proper, and by and with which all deeds, diplomas, certificates and acts of the said corporation, shall pass [and be] authenticated, and the same seal at their pleasure to break and alter and devise a new one.

Meetings of the
board of trustees.

SEC. 7. That the said trustees, or seven of them, (which number shall be necessary to constitute a quorum) shall hold their first meeting at Lawrence city, at the call of the person first named herein as trustee, or, in case of his neglect or refusal to act, of the next named, for the purpose of concerting and agreeing to such measures as, in consequence of this act, shall be proper to be laid before them at the commencement of the work they have undertaken, and shall have power to adjourn from time to time, as they shall see cause, to any other times and places for the purposes of perfecting the same ; and there shall be a meeting of the said trustees held once in every year, at least, in the city of Lawrence, at such a time as the said board of trustees shall appoint, of which notice shall be given, either by public advertisement, published in at least one of the newspapers printed in the city of Lawrence, or by notice signed by the president or secretary of the board, and sent to said trustees through the medium of the post office, or otherwise, at least ten days before the time of such intended meeting ; and, if at such meeting seven of the said trustees shall not be present, those of them who shall be present, shall have power to adjourn to any other day as fully and effectually as if the whole number of trustees for the time

being were present. Besides the regular annual meeting, quarterly or semi-annual meetings may be held as the board may direct, to be convened by public notice as above mentioned; and the president may call a meeting at any time the interests of the institution may demand it, and it shall be his duty to do so at the written request of any seven members of the board.

SEC. 8. That the board of trustees having met according to the provisions of the seventh section, a majority of them shall be capable of doing and transacting all the business and concerns of said university, not otherwise provided for by this act, and particularly of making and enacting ordinances for the government of said university, of prescribing the course of instruction, of electing trustees in the place and stead of those who shall resign their places or die, or whose office is vacated from any cause, in accordance with the provisions hereinafter mentioned, of electing or appointing the principal and professors of said institution, of agreeing with them for their salaries and stipends, and removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient; of appointing committees of their own body to carry into execution every and all resolutions of the board; of appointing a president, vice president, secretary, treasurer and other officers whom they may find necessary for managing the concerns of the institution or corporation, and of taking any such measures as they may think proper in regard to the endowments of said university, and in general shall determine all matters and things, (although the same are not herein particularly mentioned) which occasionally may arise and be incidentally necessary to be determined by the said trustees: *Provided*, that no ordinance shall be of force which shall be repugnant to the constitution or laws of the United States, or of the organic act or laws of this Territory.

Duties of the trustees.

SEC. 9. That the trustees of the university hereinbefore mentioned, shall be divided into three classes, of seven each, in the order of the names as arranged in section fourth; the first class to go out of office on the day of the first annual commencement of the university; the second class on the day of the second annual commencement; the third class on the day of the third annual commencement; and in the same manner forever afterwards, so that one-third of the whole number shall go out of office annually: *Provided, however*, That the members of said board shall continue to hold their offices until their successors shall be appointed and qualified. Of the vacancies thus annually

Election of trustees.

created, three shall be filled by the board of trustees, and the other four by such judicatory or judicatories as have jurisdiction in the Territory or State of Kansas, in connection with the general assembly of the Presbyterian church in the United States of America, commonly known and distinguished as the "Old School Presbyterian Church," and all vacancies in the board, in whatever way created, shall be filled in accordance with the above ratio: *Provided*, That the governor of the Territory of Kansas and the superintendent of common schools, and, when said Territory shall have become a State, the governor of said State and State superintendent of common schools, shall be *ex officio* members of the board of trustees.

Powers and duties
of professors.

SEC. 10. That the principal and professors of said university, or a majority of them for the time being, shall constitute the faculty of the university, which faculty shall have the power, and it shall be their duty, to enforce the rules and regulations adopted by the trustees for the government and tuition of the students, and to grant and confirm, by the order and direction of the board of trustees, such degrees in the liberal arts and sciences, in medicine, law and theology, or any other branches thereof, to such students of the university or others, who, by their proficiency in learning or other meritorious distinction, they shall think entitled to them, as have been usually granted in other colleges or universities, or which the said trustees or a board thereof shall deem right and proper, and to grant to such graduates, diplomas or certificates, under their common seal, to authenticate and perpetuate the memory of such graduation.

No religious tests

SEC. 11. That persons of every religious denomination or sentiment, shall be capable of being elected trustees, and no person, either principal, professor or trustee, tutor or pupil, shall be refused admittance into said university, or denied any of the privileges, immunities or advantages thereof, for or on account of their sentiments in matters of religion.

Female instruction.

SEC. 12. That the board of trustees of said university, is authorized by this act to receive females as teachers, or pupils in the literary and scientific departments of instruction.

This act to be
liberally construed.

SEC. 13. That this act is hereby declared to be a public act, and it shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, and no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from the said corporation: *Pro-*

vided, The intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to be conveyed to or from said corporation.

SEC. 14. That before entering upon the discharge of the duties of his office, the treasurer shall give bond and security for the faithful discharge of his duties; the sufficiency of his securities to be approved by the board of trustees: *Provided*, No member of said board shall be received as such security. He shall take charge of the funds of the university which may be placed in his hands by order of the board. Treasurer to give bond.

SEC. 15. That the property, real and personal, authorized to be held by said corporation, by virtue of this act, shall be held and applied in good faith to the purposes of education in the various departments of instruction, according to the provisions of this act, and for no other purpose; the said corporation shall not deal in exchange, discount notes, or in any commercial business or pursuit. Funds not to be perverted.

SEC. 16. That all property belonging to said corporation, as prescribed by the foregoing sections, excepting real estate held by said corporation in the Territory, and not occupied for the immediate purposes of education, shall forever be free from taxation. No taxation.

SEC. 17. That this act shall take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved January 19, 1859.

S. MEDARY,
Governor.

CHAPTER LXI.

AN ACT Supplemental to an Act entitled "An Act for the Establishment of a University at Lawrence, in the County of Douglas, Kansas Territory."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That William Brindle be and the same is hereby added to the board of corporators in said act: *Provided*, That Name added to board of corporators.

“the first class, to go out of office on the day of the first annual commencement of the University,” shall consist of eight, instead of seven, as in said act provided.

SEC. 2. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER LXII.

AN ACT to Incorporate the University of Monrovia.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. An institution of learning is hereby incorporated, under the name and style of “Monrovia University,” to be located at or near Monrovia, in Atchison county, Kansas Territory.

Corporators.

SEC. 2. For the government of said institution, the following persons are hereby constituted a board of directors, under the name and style of “The Board of Directors of the Monrovia University,” to wit: Henry Widener, L. H. Bishop, Caleb May, Dr. J. C. Batsell, John Helwig, Samuel Hipple and S. J. H. Snyder, and, in their corporate capacity, may sue and be sued, plead and be impleaded, defend and be defended, in any courts of law or equity in this Territory or elsewhere.

Powers.

SEC. 3. The board of directors hereby constituted shall have full power, in their corporate capacity, to hold, by gift, grant, devise, purchase or otherwise, any moneys, lands, tenements, hereditaments, surveys, goods or chattels, of whatsoever kind, which are or may be given, granted, purchased, devised or otherwise come into their possession, for and to the use of said institution, not to exceed forty thousand dollars; and may sell any part thereof or the whole; may dispose of and convey the same; may lease, rent or improve the same, in such manner as they may think best for said institution.

SEC. 4. The board of directors hereby incorporated shall have

full power to fill all vacancies which may occur in their own body, any five of whom shall be a quorum, at any regularly appointed meeting, for the transaction of business. Vacancies.

SEC. 5. The board of directors aforesaid shall have power to elect, by the vote of a majority of their number, from time to time, a president, vice president, secretary, treasurer and such other officers and agents as may be necessary in the management of the affairs of said school, and said board shall have power and authority to take bonds from such officers and agents, in such sums as may be deemed proper, and shall have, in all matters, the powers and privileges conferred by the provisions of an act entitled "An Act concerning Corporations." Election.
Bonds

SEC. 6. The board of directors aforesaid may prescribe the course of studies, and the terms of admission and tuition, to establish and enforce proper rules and regulations for the benefit of said school and pupils: *Provided, however, That no person shall be excluded for or on account of religious belief.* Rules and regulations.

SEC. 7. The faculty of said college shall have full power to confer degrees, grant diplomas and transact such business as such bodies usually perform, not inconsistent with the laws or the provisions of this act, or the welfare of the institution. Degrees and diplomas.

SEC. 8. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of the House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 8, 1859.

S. MEDARY,
Governor.

CHAPTER LXIII.

AN ACT to Incorporate Morris University, at Doniphan.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That a university be and is hereby established in the town of Doniphan, Doniphan county, Kansas Territory, and shall be known and designated as "Morris University," belonging to and under the control of the Methodist Episcopal Church. Morris university

Corporators and
their powers and
duties.

SEC. 2. That — Dodge, — Shaw, I. F. Collins, — Marshall, James S. Kline, James B. Hartman, Dr. C. W. Phelps, — Gebbert and Edward Beauchamp, be and the same are hereby constituted a body politic and corporate, to be known by the name of “The Trustees of Morris University,” and by that name shall have perpetual succession and a common seal.

President.

SEC. 3. The board of trustees shall choose one from among their number to act as president of said board, whose duty it shall be to preside over the deliberations of the board when in session, to keep order, &c.; yet, if the president, after being chosen, shall fail to attend any of the meetings of the board, a quorum thereof shall have authority to appoint a president *pro tempore*, to act during the absence of the proper president.

Vacancies.

SEC. 4. When a vacancy shall occur in the board of trustees or their successors in office, by death, resignation, removal or otherwise, the same shall be filled by the Conference.

Meetings.

SEC. 5. There shall be two stated meetings of the board of trustees annually, at the university, on the days closing the winter and summer sessions, the time of commencing and ending which sessions shall be regulated by said board, in such manner as they may deem proper for the best interests of the institution.

Called meetings.

SEC. 6. The president of the board of trustees shall have power to call a special meeting of the board, when he or any two of the trustees shall deem it expedient; and any five of said trustees, at any regular adjourned or special meeting, shall constitute a quorum for the purpose of transacting business.

Powers vested
with trustees.

SEC. 7. The trustees shall be a corporate body, invested with all the chartered authority granted to other literary institutions, for the enactment of such by-laws and regulations as shall best facilitate the moral, intellectual and physical interests of the students; to elect a president and professors, and remove them, when in their judgment the interests of the university require it; to establish the price of tuition, to devise means to carry into effect the will of the board, to appoint a secretary and treasurer and other necessary officers, to take care of the estate and manage the concerns of the institution.

Tuition.

Secretary and
treasurer.

Trustees have
power to sue.

SEC. 8. The trustees shall have power to demand, sue for and recover any money or property already subscribed or to be subscribed, for the use and benefit of the university, and to prosecute and defend, in their corporate name, all suits relating to or affecting the interests of the same.

SEC. 9. The trustees shall have power to buy, sell and convey

property, real or personal, belonging to or for said institution, May buy and sell property. and have a general superintending control over all property purchased, given, bequeathed or donated to the institution; with full power to dispose of the same, when, in their judgment, the interest of the institution requires it, or acquire other property: *Provided*, That the said corporation shall not, at any one time, hold more than six hundred and forty acres of land.

SEC. 10. The trustees shall have power, when they deem it necessary, to connect with said institution a female department, May attach female department. and employ competent teachers and make suitable regulations for the government of the same.

SEC. 11. The trustees, teachers, nor any one else having control or authority over said institution, shall not in any instance exert undue influence in favor of the principles of any religious denomination. Undue sectarian influences forbidden.

SEC. 12. If at any time hereafter the Conference wish to establish a theological department in connection with said institution, it shall be conducted in a separate department from the literary institution. Theological department.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1859.

S. MEDARY,
Governor.

CHAPTER LXIV.

AN ACT to Incorporate the Missouri Valley University, at Wyandott.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That C. M. Callaway, John Collins, Wm. McKay, Corporators. W. Y. Roberts, J. E. Ryan, R. S. Nash, Silas Armstrong, Ward Burnett, Charles Reynolds, together with the Bishop of the Diocese of Kansas, duly elected by the convention of the same, and their successors, who may be elected by the said convention, are hereby constituted and declared a body corporate and politic, and shall be known by the name of "The Board of Trustees of the

Powers and duties.

Missouri Valley University," or such other name and style as may be elected at a future convention of the said Diocese, and by such name shall have succession, and be capable of making contracts, of suing and being sued, pleading and being impleaded, in all courts of law or equity in this Territory or elsewhere; may have and use a common seal, and alter the same at pleasure, and by that name and style shall be capable in law and equity of taking and holding, by devise and otherwise, or of purchasing, holding and enjoying, to them and their successors, any real estate, in fee simple or otherwise, any goods, chattels and personal estate, and of selling, leasing, mortgaging or otherwise disposing of said real and personal estate, or any part thereof, as they may think proper: *Provided*, That the clear annual income of such real and personal estate, exclusive of any lands or tenements that may be occupied by the said college, for its accommodation or that of its officers or professors, shall not exceed the sum of thirty thousand dollars.

Present trustees to have charge.

To make laws and regulations

SEC. 2. That the present trustees of said university and their successors in office, under such constitution as may be hereafter adopted, or as the same may be hereafter altered or amended, shall have the care and management of said university, and of its estate and property, and shall, also, have power, in conformity with the provisions of the constitution of said university, to make by-laws and ordinances for the appointment of professors and other officers of said university; for regulating the duties and conduct of the professors, officers and students therein; for the conducting of its business and concerns, and generally for the good government of the same: *Provided*, The same be not inconsistent with the constitution and laws of the United States or of this Territory.

President and professors to constitute faculty.

SEC. 3. That the president and professors of said university shall constitute a faculty, with the power of conferring degrees in the arts and sciences, and performing all such other acts as pertain to universities, for the encouragement and reward of learning; and the name and style by which the said degrees shall be conferred shall be that of "The President and Professors of the Missouri Valley University of Kansas," or by such other name as may be hereafter agreed upon as aforesaid.

May confer degrees, diplomas, &c.

SEC. 4. That the president and professors of said university shall constitute a faculty, with the power of conferring degrees in theology, law and medicine, and of doing all such other acts as appertain to the faculties of universities, for the encourage-

ment of theological, legal and medical learning, by such name and style as may be adopted.

A. LARZALERE,
Speaker of the House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 7, 1859.

S. MEDARY,
Governor.

CHAPTER LXV.

AN ACT to Incorporate the Kansas Wesleyan University.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That James Shaw, Isaac T. Collins, O. Fisher, Corporators.
H. H. Moore, Joseph Dennison, Charles H. Lovejoy, Curtis Graham, Peter T. Abel, L. C. Challiss, Samuel Dickson, Samuel C. Pomeroy, Robert McBratney, Franklin G. Adams, John B. Shearer, Joseph H. Gilbert, C. W. Phelps, J. B. Hartman, O. F. Short, James C. Auld and Albert Bun, and their successors and assigns, be and are hereby created a body politic and corporate, to be styled "Trustees of the Kansas Wesleyan University," Atchison, Kansas; and, by that title, to remain in perpetual succession, with full powers to sue and be sued, to plead and be impleaded, to receive, acquire, hold, possess and convey property, real, personal or mixed; to use, employ, manage and dispose of all such property and moneys belonging to said corporation, in such a manner as shall seem to the trustees best adapted to promote the prosperity and success of the university with its several departments; to have and use a common seal and to alter the same at pleasure, to make such by-laws for its regulation as they shall deem fit: *Provided*, They do not conflict with the constitution and laws of the United States or of the Territory, and confer, on those whom they deem worthy, all such degrees of merit and honor as are usually conferred by colleges and universities.

May sue and be sued, &c.

Convey real estate.

To have seal, make by-laws.

SEC. 2. For the present, the aforesaid individuals shall constitute the board of trustees for said university.

Officers.

SEC. 3. The officers of the trustees shall be a president, treasurer and secretary. The treasurer, before entering upon the duties of his office, shall give bonds in such penal sums and with such securities as shall be approved by the board of trustees.

Trustees, number of.

SEC. 4. The trustees of said institution shall not exceed twenty, exclusive of the president of the faculty or presiding officer of the university, who shall be, *ex officio*, a member of the board of trustees. The trustees may hold their office for the term of four years, to be classified so as to admit of an election of one-fourth of the whole number, annually, as hereafter provided. The twelve trustees herein named shall organize and make such a classification of their members, on or before the first Tuesday in June, A. D. 1859, into terms of one, two, three and four years respectively, from the date aforesaid.

Term of office**Classification of officers.****Name and style of association.**

SEC. 5. The university aforesaid shall be styled the "Kansas Wesleyan University," to be located in Atchison city or county, where the trustees thereof may determine.

Conference.

SEC. 6. That the Kansas and Nebraska Annual Conference of the Methodist Episcopal Church, or such other Conference of said church as shall hereafter include within its bounds the said university, together with such other Conferences of said church, contiguous thereto, formally pledging their patronage to said institution, shall each, alternately, fill all vacancies occurring in the board of trustees from their own bodies, respectively, or otherwise, commencing with that Conference within whose bounds the said institution may be located; and the said Conference or Conferences, shall elect, annually, any number of visitors not exceeding three, for each of said Conferences, from their own bodies, respectively, whose duty it shall be to attend the various meetings of the board of trustees, and said visitors, together with said trustees, shall form and constitute a joint board for the appointment and removal of all officers of said university.

Vacancy, how filled.**Visitors to be elected; their duty.****Board may appoint president and instructors.**

SEC. 7. That the joint board shall have power to appoint, in such manner as they may deem expedient, a president of the university, together with such professors and instructors as may at any time be necessary to constitute an efficient faculty for the instruction of the students in the arts and sciences and the learned professions, as taught in the best universities and colleges in our country. It shall be the further duty of said joint board (with the advice of the faculty,) to prescribe, from time to time, the course of studies to be pursued in all of the departments and branches of said university, and to fix the rate and terms of tui-

Board to prescribe the course of studies.

tion, room rent and collége expenses; to appoint such other officers and agents as may be necessary in managing the business of the institution, (under such bonds and penal sums as the trustees may require,) to define their powers, duties and employments, to fix their compensation, or to displace and remove either the president, professors, officers or agents, as said joint board shall deem to the interest of said institution; to locate and erect suitable buildings for university purposes; to purchase text-books and library, chemical and philosophical apparatus, and all other suitable means of instruction.

Compensation.

Erect buildings.

SEC. 8. That the said joint board shall have power and authority to locate, organize and establish, (at any time when, in the judgment of said joint board, the interests of the institution and the public wants require it,) in addition to the literary departments of the arts and sciences, any or all of the branches and departments of theology, medicine, law and agriculture, and that the said theological, medical, law or agricultural departments, may each, or collectively, be managed and controled by a separate board of directors, whom the said joint board shall have power to provide and appoint or displace, as the interests of the respective departments may demand; and the property, assets and liabilities of each, may be and may remain distinct from the property, assets and liabilities of the literary departments and of each other.

Board, power of.

SEC. 9. The board of trustees shall hold regular meetings, annually, on the first Tuesday of June of each year, and, also, at such other times as they shall determine at the annual meeting. They may, also, hold special meetings, at the request of the faculty of the university or a call of the president of the board of trustees, or the request of any three of the trustees. But, in case of special meetings of the board, notice shall be given to each member of the board of trustees, (and, also, the visitors, if the business be such as to require their attendance,) at least ten days previous to the time of said meeting; and a majority of all the members of the board of trustees (in person or by proxy) shall constitute a quorum to do business, but a less number may adjourn from time to time until a quorum be obtained.

Trustees to hold meetings.

Called meetings.

Visitors.

Quorum.

SEC. 10. Whenever a trustee shall absent himself from three successive "regular meetings" of the board, without good cause assigned at the fourth, or, whenever a majority of all the trustees shall declare, by vote, any one of their number incompetent, the board of trustees may, by resolution, declare the seat of

Trustees may declare seats of absentees vacated.

Notice to be given

such trustee vacant; and the joint board shall have power to remove any trustee from the office of trustee for any dishonorable or criminal conduct: *Provided*, That no such removal shall take place without giving to such accused trustee notice of the charge preferred against him, and an opportunity to defend himself before the board, nor unless two-thirds of the whole number of members of the joint board present, voting, shall concur in such removal.

Vacancies by death, how filled.

SEC. 11. The joint board shall have power, and it shall be their duty, in case of a removal of a trustee from office by death, resignation or otherwise, to fill all such vacancies at the first regular meeting of the board, to serve until their successors are appointed as provided in section six. All elections for trustees shall be by ballot, and may be given in person or by proxy.

Sectarianism prohibited.

SEC. 12. The said university and branches, and its preparatory departments, shall be open to students of both sexes, and to all denominations of Christians, and the profession of any particular faith shall not be required of those who become students. All persons, however, who are idle or vicious, or whose character is immoral, may be suspended or expelled.

Taxation, exempt from.

SEC. 13. All the real or personal estate belonging to or which may hereafter belong to said corporation, shall be exempted from taxation for any and all purposes whatever, excepting real estate not occupied for the immediate purposes of the institution.

Interpretation

SEC. 14. That the provisions of this act shall be interpreted liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges hereby granted shall cause any forfeiture of the same, nor shall any gift, grant, conveyance or devise to or for the benefit of the corporation, be defeated or prejudiced by any misnomer, misdescription or informality whatever: *Provided*, The intention of the parties can be shown or ascertained beyond reasonable doubt.

SEC. 15. This act shall take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 1, 1859.

S. MEDARY,

Governor.

CHAPTER LXVI.

AN ACT to Incorporate the Smoky Hill and Arkansas River Water Power Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Edward Lynde, P. P. Elder, Luther Dickinson, William J. Williamson, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Smoky Hill and Arkansas River Water Power Company," and, by that name and style, shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever, both in law and equity, and shall have all the power and privileges which are usually granted to such corporations, which may be necessary and proper for carrying the objects of said company into full operation.

Corporators.

General powers.

SEC. 2. That the corporation hereby granted and created, shall have power to purchase and hold any quantity of land in the vicinity of the Smoky Hill Fork and the Arkansas river, lying between the ninety-seventh and ninety-ninth degrees of longitude West, and thirty-eighth and thirty-ninth degrees of latitude, that may be necessary for the purposes of the corporation, not exceeding six hundred and forty acres.

May purchase and hold lands.

SEC. 3. That said corporation shall have the exclusive right and privilege of cutting and constructing a canal or otherwise turning the water from some point on the Arkansas river to some point on the Smoky Hill Fork, lying and being within the space of country mentioned in the second section of this act, as will be necessary for manufacturing purposes and internal navigation.

May construct canal.

SEC. 4. That said corporation shall have the right of way over any land through which such canals may pass or be constructed.

Right of way.

SEC. 5. That said company shall have power to pass by-laws for the government of said company.

By-Laws.

SEC. 6. This act to be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER LXVII.

AN ACT to Charter a Ferry across the Arkansas river, at or near the mouth of the Fontaine Que Bouille, in Arappahoe county, in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Corporators.

SECTION 1. That Albert F. Berkaw, his associates, successors and assigns, are hereby authorized to keep a ferry across the Arkansas river, at or near the mouth of the Fontaine Que Bouille, in Arappahoe county, in the Territory of Kansas, and no other ferry shall be established at any place within one mile above or below the mouth of the said Fontaine Que Bouille.

Powers, privileges, &c.

SEC. 2. That all powers, privileges, rights and provisions of an act, entitled "An Act to authorize Thomas N. Stinson to establish a ferry across the Kansas river, at the town of Tecumseh," passed at the first session of the Legislative Assembly, be and the same are hereby conferred on the said Albert F. Berkaw, his associates, successors and assigns.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER LXVIII.

AN ACT to amend an Act entitled "An Act to establish a Ferry at the town of Atchison, in the Territory of Kansas."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Amendment.

SECTION 1. That section three of "An Act to establish a Ferry at the town of Atchison, in the Territory of Kansas," passed at the first session of the Legislative Assembly, 1855, shall read as

follows: That the tribunal transacting county business for the county including said town of Atchison, shall from year to year, or whenever they may think proper, fix the rates of ferriage to be charged at said ferry; *Provided*, That said rates shall not be less than the average rates charged by other ferries on said river. A list of the same shall be posted at the landing, and any charge made or extorted by said before named persons or their assigns, more than the rates so posted, shall be and create a forfeiture of all their privileges under this act.

Duty of county tribunal.

Provision of rates.

SEC. 2. This act shall take effect and be in force from and after its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER LXIX.

AN ACT to Establish a Ferry at Bellemont, on the Missouri river.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Walter K. Marvin, Joseph Penney, Jr., and Jas. R. Whitehead, their heirs, executors, administrators or assigns, shall have the exclusive right and privilege from and after the passage of this act, of keeping and maintaining a ferry from the town of Bellemont, in the county of Doniphan, in this Territory, to the city of St. Joseph, in the State of Missouri, and have the right to construct piers, wharfs, docks and ferry houses, for the convenient transaction of said ferry business, at any point or points within the limits of the said town of Bellemont, that may hereafter be agreed upon, by and between the directors of said town company or their successors in office and the ferry company hereby created.

Corporators.

SEC. 2. The above named persons, their heirs or assigns as aforesaid, shall continue to keep their steam ferry boat "Belle-

Duty of corporators.

mont" or another equally as substantial and capacious at said ferry, in good repair: *Provided, however,* That nothing herein contained shall prevent them from putting another and an additional boat or boats into said ferry business, whenever the requirements of the public demand it, or from using flat boats, tow boats or skiffs, in addition to their steam boat or boats, in order to accommodate properly and subserve the interest of the public at said ferry.

Power of county supervisors.

SEC. 3. The county board of supervisors, shall from year to year, whenever they think proper, establish the rates of ferriage to be charged at said ferry, and said ferry company shall keep a list of the rates so established, posted up at one or more public places on said boat or boats, or ferry house or houses at all times, and upon failure to do so, they shall forfeit all right to collect ferriage during such neglect, and, if the said county board of supervisors, or other tribunal which may hereafter be created, and duly authorized so to do, shall neglect at any future year to establish the rates of charges for said ferry, the rates last established shall be and remain in full force until such change be made.

Duty of corporations.

SEC. 4. It shall be the duty of the aforesaid persons, their heirs, executors, administrators or assigns, at all times, except at night, or when the river is obstructed with ice or otherwise, or during the prevalence of dense fogs, so as to make the passage unsafe and dangerous to the boat, to transport over said ferry persons on foot, on horseback, or in carriages, wagons, teams, the United States mail, merchandise, and stock of every kind and description whatever, and to do a general ferry and towing business, and any charge made or extorted by the aforesaid persons, their agents, heirs or assigns, which is more than the rates of ferriage established by said county board as aforesaid, shall subject the company hereby created to a forfeiture of not less than ten nor more than one hundred dollars for each and every such offense, to be recovered by suit on the bond hereinafter mentioned, in any court having jurisdiction, one half of which shall be paid into the treasury of the county of Doniphan, and the remaining one half to the prosecuting witness.

Same.

SEC. 5. The said persons as aforesaid, shall, from time to time, as the county board of said county may direct, execute and file in the office of the clerk of said board, a bond, to be by said board approved, conditioned that they will comply with all the provisions of this act, and a copy of the same under the seal of

said county board, attested by the clerk thereof, shall be sufficient evidence of the contents of said bond, on any trial had for damages sustained by any person by reason of a non-compliance with the provisions of this act.

SEC. 6. The said persons as aforesaid shall have the exclusive privilege of ferrying to and from the town of Bellemont aforesaid, for the term of twenty years from the passage of this act, and no other ferry shall be established within one mile of said town of Bellemont, either up or down the river, they shall keep said ferry and its appurtenances in good order and repair, but in the event of an accident to, or loss of a boat or boats, shall have a reasonable time to repair the same or procure others. Exclusive privilege of corporators.

SEC. 7. An act entitled "An Act to Establish a Ferry at Whitehead, on the Missouri river," passed A. D. 1855, is hereby repealed. Repealed.

SEC. 8. A non-compliance with the provisions of this act, shall work a forfeiture of its privileges. Forfeiture.

SEC. 9. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of the House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 8, 1859.

S. MEDARY,
Governor.

CHAPTER LXX.

AN ACT to grant to Zach Curtis a privilege to establish a Ferry across the Big Blue river, at Unadilla.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Zach Curtis, and his heirs and assigns, shall be and the same are hereby authorized to establish, maintain, and run a ferry across the Big Blue river, at or within one mile of Unadilla, to the exclusion of any and all others, for a period of five years from the passage of this act. Corporators.

SEC. 2. That the said Curtis, his heirs and assigns, shall have the power and privilege of landing on either shore of said river, Power of corporators.

and shall keep a good and sufficient boat or boats at the said crossing, sufficient to cross in a reasonable time the traveling public, and a failure to do so shall forfeit this charter and the privileges herein granted.

Duty of county board.

SEC. 3. That the board transacting county business, for the county or counties in which said ferry is located, may fix the rates of toll to be charged at said ferry.

Bond required.

SEC. 4. That the said Zach Curtis be required to give a bond in the sum of two thousand dollars, with good and sufficient security, to the effect that he will pay all damages which any person or persons may receive by the neglect or mismanagement of said ferry, said bond to be approved by the tribunal transacting county business, and deposited with the county treasurer in the county where said ferry shall be located.

Privilege of persons being injured.

SEC. 5. That any person sustaining any injuries in person or property, from the neglect or mismanagement of said ferry, may have recourse by an action upon the aforesaid bond.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 2, 1859.

S. MEDARY,

Governor.

CHAPTER LXXI.

AN ACT Establishing a Ferry across the Big Blue river.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. James W. Ship and Wm. E. Ship are authorized to establish and maintain a ferry, for a period of five years, across the Big Blue river, in section eighteen, township five, range seven, with power and authority to land on either bank of said river, to the exclusion of any and all other persons, one mile up and down from said point.

Duty of corporators.

SEC. 2. That the said J. W. and W. E. Ship shall at all times

keep a good and safe boat or boats at the said ferry, sufficient to accommodate the traveling public.

SEC. 3. That the said J. W. and W. E. Ship, shall be required to pay into the treasury of the county or counties, where said ferry is located such tax, for the privileges herein granted to run said ferry, as the county board transacting business shall assess, not to exceed the amount usually taxed on such ferries.

Corporators to pay tax.

SEC. 4. That it shall be the duty of the county board transacting county business to fix the rates of ferriage to be charged thereat, not less than the rates usually charged at such ferries, and cause the rates so charged to be posted in some conspicuous place at the landings.

Duty of county board to fix rates of ferriage.

SEC. 5. That a failure on the part of said James W. Ship and Wm. E. Ship to comply with any of the conditions of this act, shall work a forfeiture of the privileges herein granted.

Corporators not complying with conditions, penalty.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER LXXII.

AN ACT to Establish and Charter a Ferry at the City of Elwood, and for Revising and Repealing all former Charters and parts of Charters relating to such Ferry.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Ebenezer Blackiston, his successors and assigns, be and is hereby authorized to establish and keep a ferry at the city of Elwood, opposite or nearly opposite the city of St. Joseph, and shall have the exclusive right and privilege, for the period of twenty years from and after the passage of this act, of keeping and maintaining a public ferry at the limits of the city of Elwood, as defined by the charter of said city, passed February 11, 1858 ; should the limits of the said city of Elwood

Privileges conferred.

be hereafter extended, then said ferry rights and privileges shall be extended likewise, and no other ferry shall be established within one mile of the aforesaid city limits.

Obligations.

SEC. 2. That the above named party agrees that a good and substantial boat or boats, steam or flat, as the wants of the public may demand, shall be kept in constant readiness at said ferry, to be properly manned and attended, and to be kept in good repair: *Provided*, However, that they shall be allowed proper and necessary time to repair, or procure a new boat, in case of accident or loss of a boat.

Rates of ferriage
to be posted.

SEC. 3. That the tribunal transacting county business for the county including the city of Elwood, may, from year to year, as they think proper, fix the rate of ferriage to be charged at said ferry, and a list of the same shall be posted at the ferry landing, and any charge made and extorted by said party aforementioned, more than the rates prescribed by said tribunal, shall be and create a forfeiture of all his rights and privileges under this act.

Landing.

SEC. 4. That the city council of the city of Elwood shall have power by ordinance to determine, change and regulate, the place of landing of the boat or boats employed, and the said Blackiston, his successors or assigns, shall at such place or places as said city council may designate as the place of landing, construct a wharf or levee of such dimensions and of such construction as said council shall direct. That said city council shall by ordinance regulate, determine and prescribe the hours during which said boat or boats shall run, and the time and frequency of their trips, and any violation or failure to comply with the said ordinances of the city council as authorized by this act, shall be and create a forfeiture of all his rights and privileges under this act.

City council reg-
ulate trips.

Bonds to be ap-
proved.

SEC. 5. That said party aforementioned, his successors or assigns, before proceeding to establish and put in operation said ferry, shall execute sufficient bonds, to be approved by the aforesaid county tribunal, conditioned that they will comply with and fully observe all the conditions and provisions of this act; the said bond to be filed in the office of the tribunal aforesaid, and may be sued on by any person aggrieved, injured or unnecessarily detained at said ferry, and a copy of the same under the seal of said tribunal transacting county business properly attested, shall be sufficient evidence of the contents of said bond on the trial for damages.

Repeal.

SEC. 6. An act passed by the first Legislative Assembly of

the Territory of Kansas, entitled "An Act to establish a ferry opposite the town of St. Joseph, and in the Territory of Kansas," and granting certain rights and privileges to Robert Jessee and Ebenezer Blackiston, is hereby repealed. Also, an act passed by the Legislative Assembly, February 11, 1858, entitled "An Act to establish and charter a ferry at the city of Elwood," is hereby repealed.

SEC. 7. A non-compliance with this act, shall work a forfeiture of this act.

SEC. 8. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER LXXIII.

AN ACT to Establish a Ferry at the Town of Humboldt, in Allen County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Napoleon B. Blanton, his heirs and assigns, are hereby authorized to keep a ferry at the town of Humboldt, across the Neosho river, for the term of ten years, from and after the first day of March next, and shall have the right and privilege to keep said ferry, upon condition that he keeps a good and sufficient ferry boat, adapted to the wants of the traveling public at that place. Privileges granted.
Conditions.

SEC. 2. That said Napoleon B. Blanton, his heirs and assigns, shall have the exclusive right to establish and keep said ferry, and keep the same for one mile up and down the Neosho river from said town: *Provided*, That the said Napoleon B. Blanton shall give bond, and comply in all things with the laws of this Territory regulating ferries. Exclusive right.
To give bond.

SEC. 3. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of the House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 7, 1859.

S. MEDARY,
Governor.

CHAPTER LXXIV.

AN ACT to Incorporate the Iowa Point Steam Ferry Boat Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Company.

SECTION 1. That a company is hereby incorporated, to be called "The Iowa Point Steam Ferry Boat Company."

Capital stock.

SEC. 2. The capital of said company shall not exceed eight thousand dollars, nor be less than three thousand dollars, to be divided into shares of twenty-five dollars each, the holders of which, their successors and assigns, shall constitute a body politic and corporate, and by the name aforesaid, may sue and be

Powers granted.

sued, plead and be impleaded, defend and be defended in all courts of law or equity. Said company may have a common seal, and shall have power to alter the same at pleasure, to make contracts, and to adopt such by-laws, rules and regulations as shall be deemed necessary to carry out the provisions of this act: *Provided*, That they do not conflict with the Constitution of the United States or the laws of this Territory, and shall have such other powers as are usual and necessary to such companies.

Board of directors

SEC. 3. That John S. Pemberton, H. R. Stout, G. W. Burkhart, F. E. W. Patton and Haggard Forbes shall constitute the first board of directors under this act, and shall hold their offices until their successors are elected and qualified; they shall meet at such time and place as shall be designated by a majority of them, and organize as a board of directors.

Privileges.

SEC. 4. The said company shall have power to purchase and run a steamboat at Iowa Point, as a ferry, which shall be subject to the laws applying to and regulating ferries, and all the

powers and privileges that were granted to John S. Pemberton and Harvey W. Foreman, by an act entitled "An Act to establish a ferry at the town of Iowa Point, in the Territory of Kansas," passed by the first Legislative Assembly of Kansas, assembled at Lecompton, are hereby conferred, and the same powers and privileges that were granted by that act to said persons, are hereby revived and continued to this incorporate company: *Provided*, They shall first procure the consent of said John S. Pemberton and Harvey W. Foreman; and, further, that said company shall faithfully carry out the provisions of said act.

SEC. 5. The stock of said company shall be considered Stock of company personal property, and shall be transferable on the books of said company, subject to the rules and restrictions which the by-laws may prescribe.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER LXXV.

AN ACT to Charter a Ferry across the Kansas River.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Charles Tooley, his heirs and assigns, are Rights granted. hereby authorized to keep a ferry across the Kansas river, at or near the east line of section number thirty-two, in township number eleven, in range number twenty-four, in the Territory of Kansas, and shall have the exclusive right and privilege of keeping a ferry within the distance of one mile on each side of the east line of said section number thirty-two, for the term of twenty years from and after the passage of this act.

SEC. 2. That the said Charles Tooley shall keep a good and To keep boat or boats. substantial boat or boats, sufficient to cross the traveling public,

County board to
fix fees.

and shall cause the same to be manned by good and safe hands.
SEC. 3. That the tribunal transacting business for the county in which said ferry shall be situated, is hereby authorized and required to fix the fees for ferriage across the said river from time to time, as they may deem proper.

To keep in good
repair.

SEC. 4. That the said Charles Tooley, his heirs or assigns, shall keep said ferry and its appurtenances in good order and repair, but shall be allowed a reasonable time to repair, or in case of loss of boat, to procure another.

Forfeiture

SEC. 5. A non-compliance with the provisions of this act shall work a forfeiture of its privileges.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 3, 1859.

S. MEDARY,

Governor.

CHAPTER LXXVI.

AN ACT to entitle Nehemiah Sage to establish a Ferry across the
Kansas River.

*Be it enacted by the Governor and Legislative Assembly of
the Territory of Kansas :*

May keep ferry.

SECTION 1. That Nehemiah Sage, of Davis county, and his heirs or assigns, shall be entitled to keep a ferry across the Kansas river at any point on his own land, to wit: on lot number one, in section twenty-one, lots number one and two in section twenty-eight, in township eleven, south of range number six, east of the sixth principal meridian line, for the period of five years.

Obligations.

SEC. 2. And be it further enacted that the said Nehemiah Sage shall keep a good and sufficient boat or boats at the aforesaid crossing, sufficient to cross in a reasonable time the traveling public, and a failure to do so shall be a forfeiture of his charter and the privileges herein granted.

SEC. 3. That the county tribunal transacting county business ^{Ferriage.} for the counties or county in which said ferry is located, shall fix the rate of ferriage to be charged at said ferry.

SEC. 4. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER LXXVII.

AN ACT to authorize certain persons to establish and maintain Ferries at Manhattan City.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That John Hoar and James M. Whittemore, their ^{Privileges,} heir heirs and assigns, be and are hereby authorized to establish and maintain a ferry, for a period of five years, across the Big Blue river, at Manhattan city, at the foot of Poyntz avenue, in said city, with power and authority to land on either bank of said river.

SEC. 2. That said John Hoar and James M. Whittemore shall ^{Obligations.} at all times keep a good and sufficient boat or boats at the said ferry, to accommodate the traveling public.

SEC. 3. That the said Hoar and Whittemore, their heirs and ^{Pay tax.} assigns, shall be required to pay into the treasury of the county or counties, where said ferry is located, such tax for the privileges herein granted to use said ferry, as the tribunal transacting county business shall assess, not to exceed the amount usually taxed at such ferries.

SEC. 4. That it shall be the duty of the county board of su- ^{Ferriage.} pervisors to fix the rates of ferriage to be charged thereat, not less than the usual rates of charge, to be posted in some conspicuous place at the landings.

SEC. 5. That a failure on the part of said Hoar and White- ^{Forfeiture.} more, their heirs and assigns, to comply with any of the conditions of this act, shall work a forfeiture of the privileges herein granted.

Privileges to John
Flagg.

SEC. 6. And be it hereby further enacted that John Flagg, his heirs and assigns, of Manhattan city, be and is hereby authorized to establish and maintain a ferry at Manhattan city, across the Big Blue river, where his ferry is now located, for the period of five years, with all the rights and privileges, regulations and restrictions, granted in the foregoing sections of this act.

SEC. 7. This act to be in force and take effect from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 2, 1859.

S. MEDARY,
Governor.

CHAPTER LXXVIII.

AN ACT to charter a Ferry across the Marias des Cygnes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Exclusive right.

SECTION 1. That N. H. Williams, his heirs and assigns, are hereby authorized to keep a ferry across the Marias des Cygnes river, within one mile of Ballard's ford on said river, in Linn county, and shall have the exclusive right and privilege of keeping a ferry within the distance of one mile on each side of where such ferry may be located, for the term of ten years.

Obligations.

SEC. 2. That the said N. H. Williams shall keep a good and substantial boat or boats, sufficient to cross the traveling public, and shall cause the same to be manned by good and safe hands.

County board fix
rates of ferriage.

SEC. 3. That the board of county supervisors, for the county in which said ferry is situated, is hereby authorized and required to fix the fees for ferriage across the said river, from time to time, as they may deem proper.

Shall keep in or-
der.

SEC. 4. That the said N. H. Williams, his heirs or assigns, shall keep said ferry and its appurtenances in good order and repair, but shall be allowed a reasonable time to repair, or in case of loss of boat, to procure another.

SEC. 5. A non-compliance with the provisions of this act shall Forfeiture.
work a forfeiture of its privileges.

SEC. 6. This act to take effect and be in force from and after
its passage.

A. LARZALERE,
Speaker of the House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY,
Governor.

CHAPTER LXXIX.

AN ACT to authorize Josiah Bundy to establish and maintain a Ferry
across the Marias des Cygnes River, at a point near Stanton, in Lykins
county, known as "Bundy's Ford."

*Be it enacted by the Governor and Legislative Assembly of
the Territory of Kansas :*

SECTION 1. That Josiah Bundy be and he is hereby authorized Exclusive right.
to establish and maintain a ferry across the Marias des Cygne
river, at a point near Stanton, in Lykins county, known as
"Bundy's Ford," for a period of five years, with power and au-
thority to land on either bank of said river, to the exclusion of
any and all other persons, within one mile of said ford.

SEC. 2. That the said Josiah Bundy shall, at all times, keep Shall keep good
boat.
a good and safe boat or boats at the said ferry, sufficient to ac-
commodate the traveling public.

SEC. 3. That the said Josiah Bundy shall be required to pay Pay tax.
into the treasury of the county where said ferry is located, such
tax, for the privilege herein granted to run said ferry, as the
county board, transacting county business, shall assess, not to
exceed the amount usually taxed on such ferries.

SEC. 4. That it shall be the duty of the county board trans- Ferriage.
acting county business, to fix the rates of ferriage to be charged
thereat, not less than the rates usually charged at such ferries,
and cause the rates so charged, to be posted in some conspicu-
ous place at the landings.

SEC. 5. That a failure, within three months from the passage Forfeiture.
of this act, on the part of the said Josiah Bundy, to comply with

any of the provisions of this act, shall work a forfeiture of the privileges herein granted.

To give bond.

SEC. 6. That the said Josiah Bundy be required to give a bond in the sum of two thousand dollars, with good and sufficient securities, to the effect that he will pay all damages which any person or persons may receive by the neglect or mismanagement of said ferry, said bond to be approved by the tribunal transacting county business, and deposited with the county treasurer in the county where said ferry shall be located.

Deposited with county treasurer.

Recourse for injuries.

SEC. 7. That any person sustaining any injuries in person or property, from the neglect or mismanagement of said ferry, may have recourse by an action upon the aforesaid bond.

SEC. 8. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved January 28, 1859.

S. MEDARY,

Governor.

CHAPTER LXXX.

AN ACT to establish a Ferry across the Marias des Cygnes, at or near the Ottawa Ford.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Privileges.

SECTION 1. That D. W. Houston, P. P. Elder and A. R. Morton, and their associates and successors, are hereby authorized and empowered to establish and keep a public ferry across the Marias des Cygnes river, in Franklin county, Kansas Territory, for the term of ten years from and after the passage of this act; and they shall have a landing on both sides of said river.

Obligations.

SEC. 2. That the above named persons, their associates and successors, hereby promise and agree that a good and substantial ferry boat, adapted to the wants of the public, shall be kept by them and their successors, the said boat to be properly manned, attended and propelled, and kept in good repair.

SEC. 3. That said persons, named in the first section of this Exclusive right. act, and their successors, shall have the exclusive privilege of establishing and keeping a ferry at the point aforesaid, and within one mile above and below where the road now crosses, or may cross, upon said river, for the period of ten years; the said persons mentioned above, and their successors, shall execute a sufficient bond, to be approved by the tribunal transacting county To give bond. business of Franklin county, conditioned that they will comply with the provisions of this act.

SEC. 4. The tribunal transacting county business shall, from Ferriage. time to time, fix the rates of ferriage, and a list of the same shall be posted up at the landing of said ferry.

SEC. 5. That said persons and their successors shall keep said To be kept in good repair. ferry in good repair and condition, being allowed a reasonable time to repair in case of accident, or procure a new boat.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER LXXXI.

AN ACT to establish a Ferry across the Missouri River at Leavenworth City, Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That William Tholen, James McCahon, John C. Exclusive right. Douglass and Samuel F. Atwood, their associates, successors and assigns, shall have the exclusive right and privilege, for the period of twenty years from and after the passage of this act, of keeping and maintaining a public ferry across the Missouri river at the city of Leavenworth, in the Territory of Kansas. Should the limits of the said city of Leavenworth be hereafter extended, then said ferry rights shall be extended likewise, and no other ferry shall be established within one mile of the said city as

aforesaid; and the said parties shall have exclusive privilege of landing passengers and freight upon the island opposite to Leavenworth city as aforesaid.

Obligations.

SEC. 2. That the parties aforesaid shall, at all times, keep a good and safe boat or boats, steam or flat, as the wants of the public may demand, in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attention on passengers and teams, on all occasions and at all hours of the day: *Provided*, That they shall not be compelled to run their boat or boats at any time when the person or persons acting as their pilot or pilots, shall deem it unsafe to cross the river, on account of ice, or to him or them other sufficient causes: *Provided, also*, The above named parties shall procure, within twelve months after the passage of this act,

Accommodations.

a good and sufficient boat or boats for said ferry: *And, provided further*, They shall be allowed proper and necessary time to repair or procure a new boat in case of accident or loss of a boat.

Ferriage.

SEC. 3. That the parties aforesaid shall be permitted to charge the following rates of ferriage, and no more: For each foot passenger, ten cents; for each horse, mare, gelding, mule or ass, with or without rider, twenty-five cents; for each two-horse or ox team, loaded or unloaded, with driver, twenty-five cents; for for each single-horse carriage, fifty cents; for each cow or additional ox, fifteen cents; for each swine or sheep, five cents; for all freight of lumber, merchandise or other articles, not in teams, loaded and unloaded by the owner thereof, and with a detention not exceeding fifteen minutes at any landing, at the following rates: For lumber, one dollar per thousand feet; for all other articles, ten cents per hundred pounds. Persons wishing to cross at said ferry in the night, may be charged double fare, and a list of the aforementioned rates shall be posted at the landing or crossing of said boat or boats, and any charge made or extorted by the aforesaid parties or their successors, more than the rates herein fixed, shall create a forfeiture of the rights and privileges under this act.

Forfeiture.**To file bond.**

SEC. 4. That the parties aforesaid, their heirs or assigns, shall, within twelve months after the passage of this act, file or cause to be filed with the clerk of the probate court, in the county of Leavenworth, a bond to the Territory of Kansas, in the sum of four thousand dollars, conditioned that they will fulfill all the conditions enjoined upon them by this act; said bond to be ap-

Approved.

proved by the judge of the probate court in the county aforesaid.

SEC. 5. Any person who shall sustain an injury by the willful negligence or default of the aforesaid parties, or the ferrymen in their employ, may have a remedy by an action upon the bond required by this act. To recover damages.

SEC. 6. This act shall take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY,
Governor.

CHAPTER LXXXII.

AN ACT to charter a Ferry across the Neosho River.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That James Johnson, his heirs and assigns, are hereby authorized to keep a ferry across the Neosho river at the town of Neosho Falls, in the county of Woodson, Kansas Territory, and shall have the exclusive right and privilege of keeping a ferry within the distance of one mile on either side of the said town of Neosho Falls, for the term of five years from the passage of this act. Exclusive right.

SEC. 2. That the said James Johnson shall keep a good and substantial boat or boats, sufficient to cross the traveling public, and shall cause the same to be manned by good and safe hands. Obligations.

SEC. 3. That the board of supervisors for the county in which said ferry shall be situated, is hereby authorized and required to fix the fees for ferriage across the said river, from time to time, as they may deem proper. Ferriage.

SEC. 4. A non-compliance with the provisions of this act shall work a forfeiture of its privileges. Forfeiture.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER LXXXIII.

AN ACT to establish a Ferry at the town of Oketo.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Exclusive right.

SECTION 1. That Henry W. Poor, V. C. Poor and Robert M. Smith shall have the right of keeping a public ferry at the town of Oketo, on the Big Blue river, for the period of ten years from the passage of this act, to the exclusion of any and all other persons, from the north line of section fourteen, in township one, range seven, to the south line of section twenty-six, township one, range seven, including three miles up and down said river, in Marshall county, Kansas Territory.

Obligations.

SEC. 2. And be it further enacted, that the aforesaid H. W. and V. C. Poor, and R. M. Smith, shall keep a good and sufficient boat or boats at the town of Oketo, sufficient to cross in a reasonable time the traveling public, and a failure to do so shall forfeit their charter and the privileges herein granted.

Rates of fees.

SEC. 3. And be it further enacted, that the court or tribunal transacting county business for the county in which said ferry or bridge shall be located, shall fix the rates of ferriage to be charged at said ferry.

SEC. 4. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 10, 1859.

S. MEDARY,

Governor.

CHAPTER LXXXIV.

AN ACT to charter a Ferry across the Republican Fork.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the exclusive right and privilege of establishing and maintaining a ferry across the Republican fork, at the point where the military road, leading from Fort Leavenworth to Bent's Fort, on the Arkansas river, crosses said Republican fork, is hereby granted to Ira Bennett, or his assigns, for a term of ten years, and he shall have the exclusive right of landing on either shore for two miles above and two miles below said point. Exclusive right.

SEC. 2. That the said party, named in the first section of this act, shall keep a good and sufficient boat or boats, at all times, to cross the traveling public, and may take toll for the same. Obligations.

SEC. 3. The said party shall be allowed such fees as may be determined by the board transacting county business for the county in which said ferry is located. Fees.

SEC. 4. If the party, named in the first section of this act, shall violate any of the provisions of this act, or shall fail to have this ferry in operation within nine months from the passage of this act, he shall forfeit all the privileges herein granted. Forfeiture.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER LXXXV.

AN ACT to incorporate the Osawatomie Ferry Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That O. C. Brown, H. H. Williams, Geo. W. Cavern, Cyrus Foster, Samuel Geer, S. C. Parish, F. W. Cram, J. Exclusive right.

B. Scofield, Amos Alderman, Wm. Chesnut, F. Conant, H. B. Smith and others, their successors and assigns, be and are hereby authorized to establish and keep a ferry at or near the town of Osawatomie, on the Osage river and the Pottawattamie creek, and shall have the exclusive right and privilege for one mile each way, from a point opposite, or nearly so, of said town of Osawatomie, for the term of five years, or until the above named streams are bridged at or near said above named town.

Obligations.

SEC. 2. The above named party agrees that a good, substantial boat or boats, steam or flat, as the wants of the public may demand, shall be kept in constant readiness at said ferry, to be properly manned and attended, and to be kept in good repair: *Provided, however,* That they shall be allowed proper and necessary time to repair, or procure a new boat, in case of accident or loss of boat.

Ferriage.

SEC. 3. That the tribunal transacting county business for the county including the town of Osawatomie, may, from year to year, as they think proper, fix the rates of ferriage to be charged at said ferry, and a list of the same shall be posted at the ferry landing, and any charge made and extorted by said party aforementioned, more than the rates prescribed by said tribunal, shall be and create a forfeiture of all their rights and privileges under this act.

Shall give bonds.

SEC. 4. That said parties aforementioned, their successors or assigns, before proceeding to establish and put in operation said ferry, shall execute sufficient bonds, to be approved by the aforesaid county tribunal, conditioned that they will comply with and fully observe all the conditions and provisions of this act; the said bond to be filed in the office of the tribunal aforesaid, and may be sued on by any person aggrieved, injured or unnecessarily detained at said ferry, and a copy of the same, under the seal of said tribunal transacting county business, properly attested, shall be sufficient evidence of the contents of said bond on the trial for damages.

Bonds to be filed.

SEC. 5. This act to take effect immediately.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER LXXXVI.

AN ACT authorizing a Ferry across the Republican River at the Town of Bacheller.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Abraham Barry is hereby authorized to keep ^{Authorized to keep ferry.} a public ferry across the Republican river, at or within one mile of the town of Bacheller, for the space of ten years, with right to land on either bank of said river.

SEC. 2. The said Abraham Barry shall, at all times, keep a ^{Obligations.} good and sufficient boat or boats to accommodate the traveling public.

SEC. 3. The rates of ferriage to be regulated by the tribunal ^{Ferriage.} transacting county business.

SEC. 4. That said Barry, and his assigns and associates, shall ^{Exclusive right.} have the exclusive right of building a bridge and maintaining the same at the said place, over the Republican fork, for twenty years, and shall be governed in all matters, and have all the rights of the Lawrence bridge company, passed at the present session of this Legislative Assembly, and may adopt a corporate name, and by it own and control the bridge as aforesaid.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER LXXXVII.

AN ACT to Charter a Ferry across the South Platte river.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Charles H. Branscomb, Charles Nichols, ^{Corporators.} William McGaw, Robert Morrow, J. Hinmon and Geo. W. Smith, their heirs, assigns and associates, are hereby authorized to keep and maintain a public ferry across the South Platte river,

at the mouth of Cherry Creek, in said Territory, for the term of five years, from and after the passage of this act; and have a landing on the east side of the said river, upon land claimed in whole or in part by the Cheyenne half breeds or others.

Good boat and
accommodations.

SEC. 2. That said above named persons consent and agree, that a good and substantial boat or boats, adapted to the wants of the public, shall be kept by them and their associates; the said boat or boats to be properly manned and attended, and kept in repair.

Ferriage.

SEC. 3. The tribunal transacting county business for the county, shall, from time to time, or whenever they shall think proper, fix the rate of ferriage, to be charged at said ferry, and a list of the same shall be posted at the ferry landing; and any charge made or extorted by said above named persons, more than the rate fixed by said tribunal, shall create a forfeiture of all privileges under this act.

Exclusive right.

SEC. 4. The said persons before named shall have the exclusive right of establishing and keeping a ferry, up and on and down the said river, within one mile of the said mouth of Cherry Creek, for the period of time aforesaid; but the said persons shall execute sufficient bonds to be approved by said tribunal, and shall renew the same, whenever required by the tribunal aforesaid or other competent authority, conditioned that they will comply with all the provisions of this act. The said bond shall be filed in the office of the said tribunal transacting county business for the county, and may be sued on by any person aggrieved, injured or unnecessarily detained by said ferry; and a copy of the same, under the seal of the said tribunal, properly attested, shall be sufficient evidence of the contents of said bond, on a trial had for damages.

Proceed under
this act when.

SEC. 5. Until said tribunal shall be organized, said persons shall be allowed to proceed under this act, by filing said bond with the secretary of the Territory.

SEC. 6. A non-compliance with this act shall work a forfeiture of this charter.

SEC. 7. This act to take effect from and after the first of June, 1859.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY, *Governor.*

CHAPTER LXXXVIII.

AN ACT to Charter a Ferry across the Saline Fork, at the town of Salina.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That William A. Phillips, his associates and as- Corporators. signs, are hereby authorized to keep a ferry across the Saline Fork, at the town of Salina, and shall have the exclusive right and privilege of landing within two miles of said town, up and down the river, for the period of twenty-three years.

SEC. 2. That the said Phillips, his associates or assigns, shall Good boat and accommodations. keep a good and sufficient boat or boats, at all times, sufficient to cross the traveling public, and shall be entitled to take toll for the same.

SEC. 3. That the said Phillips, his associates and assigns, shall Ferriage. be allowed such fee as the county board, transacting county business, in and for the county in which said ferry is located, [shall determine.]

SEC. 4. If the parties named in the first section of this act Forfeit charter when. shall violate any of the provisions of this act, or shall fail to have this ferry in operation within nine months from the passage of this act, they shall forfeit all the privileges herein granted.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 10, 1859.

S. MEDARY,

Governor.

CHAPTER LXXXIX.

AN ACT to Charter a Ferry across the Smoky Hill river.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the exclusive right and privilege of estab- Exclusive right granted to R. R. Stanworth. lishing and maintaining a public ferry across the Smoky Hill

river, at the point where the military road leading from Fort Leavenworth to Bent's Fort crosses it, is hereby granted for a term of thirteen years, to Reuben R. Stanworth or his assigns, who shall have the exclusive right of landing upon either bank of said stream, at the above named point, and for two miles above and below.

Good boat and accommodations.

SEC. 2. The said Reuben R. Stanworth or his assigns shall keep a good and sufficient boat or boats, necessary to do all the crossing at the above named point, and shall keep the same in good repair, and may charge the average of rates charged on the several ferries on the Kansas river.

Give bond.

SEC. 3. The above named parties shall give bond as required by law.

Privileges of another act conferred.

SEC. 4. That, for the purpose of building a bridge across the Smoky Hill river, at the point above named, all the rights and privileges of an act passed in 1859, by the Legislative Assembly of the Territory of Kansas, and approved by the Governor, entitled "An Act to incorporate the Lawrence Bridge Company," are hereby conferred upon the said Reuben R. Stanworth, his associates and assigns.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

O. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XC.

AN ACT to establish a Ferry on Solomon's Fork.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Privileges.

SECTION 1. That the exclusive right and privilege of establishing and maintaining a ferry across the Solomon's Fork, at the point where the military road leading from Fort Leavenworth to Bent's Fort crosses it, is hereby granted, for a term of thirteen

years, to Ormanzo M. Baker, or his assigns, who shall have the exclusive right of landing upon either bank at the above named point, and for two miles above and below.

SEC. 2. The said Ormanzo M. Baker, or his assigns, shall keep a good and sufficient boat or boats necessary to do all the crossing at the above named point, and shall keep the same in good repair, and may charge the average of the rates charged on the several ferries across the Kansas river. To keep good boat or boats.

SEC. 3. The above named party shall give bonds as required by law. To give bonds.

SEC. 4. The said Ormanzo M. Baker, his associates and assigns, shall be entitled to all the rights, privileges and immunities conferred in an act passed by the Legislative Assembly of the Territory of Kansas, and approved by the governor, in eighteen hundred and fifty-eight, entitled "An Act to incorporate the Lawrence Bridge Company." The rights so conferred shall be for the purpose of building a bridge across Solomon's Fork at the above named point. Entitled to all the privileges previously conferred.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XCI.

AN ACT to amend an Act entitled "An Act to establish and Charter a Ferry across the Missouri River at Wyandott."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the Wyandott City Ferry Company be and hereby are authorized to establish a ferry across the Kansas river, at Wyandott, subject to the same conditions and provisions applied to the ferry which said company were authorized to establish across the Missouri river by the act providing for the incorporation of said company, and that they shall have the privilege Privileges of company.

of landing on both sides of the Kansas river for one-half mile above its mouth.

Time to commence
operations.

SEC. 2. That the time fixed for the commencement of the operations of both ferries shall be the first day of July, one thousand eight hundred and fifty-nine.

SEC. 3. That all acts conflicting with the provisions of this act shall be and hereby are repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER XCII.

AN ACT to establish a Ferry across the Missouri River at White Cloud.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Privileges of com-
pany.

SECTION 1. That Cornelius Dorland and Ozias Bailey, their heirs and assigns, be and the same are hereby authorized to keep a ferry across the Missouri river at White Cloud, in the Territory of Kansas, for the term of fifteen years from and after the passage of this act, and no other ferry shall be established within one mile of the said town of White Cloud.

To keep good and
safe boat or boats.

SEC. 2. That the said parties shall, at all times, keep a good and safe boat or boats, steam or flat boats, as the wants of the public may demand, in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attention on passengers and teams on all occasions and at all hours of the day: *Provided*, That they shall not be compelled to run their boat or boats at any time when the person or persons, acting as their pilot or pilots, shall deem it unsafe to cross the river on account of ice or to him or them other sufficient cause; *also, provided*, That in case of damage

or loss of boat, said parties shall have reasonable time to repair or procure another.

SEC. 3. That the tribunal transacting county business in and for the county in which said town of White Cloud is situated, shall fix and regulate the rates of ferriage to be charged at said ferry, and shall cause the same to be posted at the respective landings or upon the said boat or boats, and any charge made or extorted by said persons, their assigns, agents or employees, more than the rates fixed by said tribunal, shall work a forfeiture of the privileges herein granted.

Tribunal trans-
acting county bu-
siness to fix rates
of ferriage.

SEC. 4. That the aforesaid Cornelius Dorland and Ozias Bailey, or their assigns, shall execute good and sufficient bonds to the Territory of Kansas, to be approved by the tribunal transacting county business in and for the county aforesaid, and shall renew the same whenever required by said tribunal, conditioned that they will comply with all the provisions of this act.

To give bonds.

SEC. 5. That the said bond shall be filed in the office of the aforesaid tribunal, and may be sued on by any person or persons aggrieved or injured either in person or property, or unnecessarily detained by said ferry; and a copy of the said bond, under the seal of the said tribunal, properly attested, shall be sufficient evidence of the contents of said bond in any trial which may be had for damages.

Bond to be filed—
may be sued for
injury to prop-
erty.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 1, 1859.

S. MEDARY,

Governor.

CHAPTER XCIII.

AN ACT to amend an Act entitled "An Act to Incorporate the City of Atchison," approved February 12th, 1858.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

All additions part
of city—when.

SECTION 1. All additions to the city of Atchison, which have heretofore been laid off and plats thereof filed, as required by law, twelve months preceding the passage of this act, are hereby declared to be a part of said city, and all additions which have been or may hereafter be made, shall become and be a part of said city after the plat thereof shall have been filed, as required by law, twelve months, and shall be liable for taxes as other city property, after the commencement of the first fiscal year of said city thereafter.

Election of off-
cers.

SEC. 2. The mayor and councilmen shall provide, by ordinance, for the election, by the voters of said city, of all the officers, servants and agents of said city.

Mayor's court:

SEC. 3. The mayor shall hold a court, at least once in each week, for the trial of all cases arising from a breach of city ordinances; may remit fines and forfeitures, provided the city council concur therein. The register shall be, *ex officio*, clerk of the mayor's court; may issue warrants, subpoenas, executions and commitments, in all proceedings therein. The mayor and register shall be entitled to such fees as may be prescribed by city ordinance.

Register clerk of
said court.

Fees.

Taxes for street
improvements.

SEC. 4. The mayor and council shall be authorized to levy tax upon all real estate, lot or lots, lying upon any street or alley, for the grading, paving or macadamizing thereof, either by the front, foot or the assessed value thereof.

Sale of property
for taxes.

SEC. 5. The mayor and council shall have power to provide, by ordinance, for the sale of property within said city for any taxes that have been or may hereafter be levied, after the same shall have become due and payable, and a certificate thereof shall be issued to the purchaser, signed by the mayor and attested by the register, which said certificate shall be transferable: *Provided*, That such property, if real estate, may be redeemed at any time within two years after such sale, by depositing with the treasurer of the city, for the use of the holder of said certificate of purchase, a sum equal to the amount of taxes for which the property was sold and all subsequent taxes paid thereon, together with a penalty of twenty per cent. thereon, with interest on said

taxes and penalties at the rate of twenty-five per cent. per annum. If not redeemed within two years, the title shall rest absolutely in the purchaser.

SEC. 6. That the city shall be authorized to borrow money and issue bonds therefor, for the purpose of grading and improving streets and levee, and for the erection of public buildings for the city, but not to exceed the sum of fifty thousand dollars in any one year, at such rate of interest as may be agreed upon. Borrow money and issue bonds.

SEC. 7. All acts or parts of act inconsistent with this act are hereby repealed. Acts repealed.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY,
Governor.

CHAPTER XCIV.

AN ACT to Incorporate the Inhabitants of Baldwin City, in Douglas County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. The inhabitants of the west half of section three, the east half of section four, in township fifteen, range twenty, and the west half of section thirty-four, in township fourteen, range twenty, in Douglas county, shall be and they are hereby incorporated under the name and title of "Baldwin City," and by that name shall have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters whatsoever; may grant, purchase, receive and hold property, real, personal or mixed; may have a common seal, and may alter or change the same at pleasure. Incorporation.

SEC. 2. The corporate powers of said incorporation are hereby vested in a mayor and six councilmen, to be called the "City Council of Baldwin City." Corporate powers vested.

SEC. 3. The council of said Baldwin City shall be composed Council, how elected.

of persons who are legal voters in the United States, and have been citizens of said Baldwin City for three months immediately preceding their election, and shall be elected by actual residents of said Baldwin City, over twenty-one years of age. The first annual election to take place on the first Monday in March, A. D. 1859, and on the first Monday in March in each succeeding year, at such place as the judges of election, hereinafter appointed, shall designate, subject, however, to the future action of said city council.

Judges of election

SEC. 4. H. R. Brown, B. Andrews and J. L. Johnson. are hereby appointed judges of election of said first election, whose duty it shall be to post up notices of said election, within said Baldwin City, ten days previous to the specified time for said election, and whose certificate of election shall be evidence of the election of mayor and councilmen therein named, and authorize the persons therein stated to be elected to act as such mayor and councilmen till their successors are duly elected and qualified.

Council have power to pass ordinances.

SEC. 5. The council shall have power to pass all ordinances necessary for the good of said city, and not inconsistent with the constitution of the United States or the laws of this Territory; may appoint such city officers as may be necessary to carry out the ordinances of the council.

Mayor have power of justice of peace

SEC. 6. The mayor shall have all the powers and privileges of a justice of the peace, within the corporate limits of said city, in all matters arising under the ordinances of said corporation, and shall sit on the trial of all violations of any of the ordinances, and shall do and perform all duties under and by virtue of any ordinance prescribed by said council: *Provided*, That in case of vacancy or absence of such mayor, any justice of the peace in the township in which said city is situated, shall have and possess all the judicial powers and duties of such mayor under any of such ordinances, and such mayor shall receive the same fees as a justice of the peace for like services.

Highest number of votes elects.

SEC. 7. In all elections for mayor and councilmen, the persons having the highest number of votes shall be declared duly elected, and all ties may be decided, and all vacancies in the council or elsewhere filled, in such manner as may be prescribed by ordinance.

Council appoint judges in future.

SEC. 8. For all elections of the council, subsequent to the first, the council shall appoint three judges of election, residents and legal voters of said city, who shall perform the same duties as required of the judges of election herein appointed.

SEC. 9. The council shall have power, by ordinance, to levy Powers of council and collect a tax on all lawful subjects of taxation, not exceeding the one-half of one per cent., and to prevent and remove nuisances; to prevent and restrain bawdy and gambling houses, and other disorderly houses, and to punish, by fine, the keepers of the same; to restrain and prohibit tippling houses, dramshops, tenpin alleys and other gambling devices, and to punish, by fine, the keepers thereof; to regulate circuses, shows and other amusements; to prevent and punish the discharge of firearms in the city; to protect property from fire; to prevent the introduction of and spread of diseases; to prevent breaches of the peace, and punish the same; and, by ordinance, to do all other acts necessary for the peace and well being of said city.

SEC. 10. The council shall have power to open and keep in Same. repair all the streets and alleys of said city.

SEC. 11. In all trials, had under the ordinances of the said Trials under ordinances. council, either party shall, on demand, be entitled to a jury of six good and lawful men, and, also, an appeal to the probate court of the county, on the like terms and conditions as an appeal may be allowed from a justice of the peace.

SEC. 12. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 4, 1859.

S. MEDARY,

Governor.

CHAPTER XCV.

AN ACT to incorporate and establish the City of Elwood, Kansas Territory, and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

ARTICLE I.

SECTION 1. That all that district of country described as follows, to wit: The northeast quarter of section twenty-five, township three, range twenty-two; section thirty, township three, Boundaries and corporate privileges.

range twenty-three; and fractional section twenty-nine, township three, range twenty-three, is hereby erected into a city, by the name of the "City of Elwood;" and the inhabitants thereof are hereby constituted a body corporate and politic by the name and style of the "City of Elwood;" and, by that name, they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in any and all courts of law and equity, and in all actions whatsoever; may contract and be contracted with; may purchase, receive and hold property, both real and personal, within said city, and may sell, lease, convey or otherwise dispose of the same, for the benefit of the city; may purchase, receive, hold, lease or convey property, real, personal or mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water works, for the establishment of hospitals, poor-houses, workhouses, houses of correction, or for any purpose which may tend to the general good of the city; and may have a common seal and change the same at pleasure.

Corporate powers,
how vested.

SEC. 2. The corporate powers and duties of said city shall be vested in a mayor and board of councilmen, to be styled the "City Council of the City of Elwood."

Power to pass or-
dinances.

SEC. 3. The inhabitants of said city, by the name and style aforesaid, shall have power to provide and establish, by ordinance, all necessary organic and municipal laws, rules and regulations, for the government of the inhabitants, and enforcing the same; to pass all ordinances that may be necessary to carry any of the provisions of this charter into effect; to pass any ordinance necessary for the well-being of the inhabitants, and pass and provide for the enforcement of any and all ordinances which may be deemed right and proper, and not inconsistent with the constitution of the United States and the Organic Act of this Territory.

Publication of
ordinances.

SEC. 4. The enacting clause of all ordinances shall be: "Be it ordained by the mayor and councilmen of the city of Elwood;" and all ordinances shall be published in such manner as may be provided by ordinance prescribing the same, and no ordinance shall be enforced until so published.

Qualification of
electors.

SEC. 5. All free white male citizens of the United States, or who have lawfully declared their intention to become such, who are twenty-one years of age, and who shall have resided within the city limits three months next preceeding any city election, and who shall have registered their names with the city clerk within thirty days next preceding the day of election and prior

to the hour of six o'clock in the afternoon, on the said day preceding the election, in a book kept for such purpose by said clerk, shall be deemed qualified electors of said city in the ward in which they may reside.

ARTICLE II.

SEC. 1. The permanent officers of the City of Elwood shall be a mayor, nine councilmen, a city clerk, a marshal, an assessor, a collector, a treasurer, an attorney, an engineer, a street commissioner, and such policemen and other officers as may be created or established by ordinance.

Permanent officers of the city.

SEC. 2. Any person, possessing the qualifications of an elector, shall be eligible to an election or appointment to any office in said city.

Qualification of officers.

SEC. 3. The regular annual election for officers in said city shall be held on the second Tuesday of April in each year, and in such manner as may be fixed by ordinance, and at such place or places as may be designated by the mayor.

Time and manner of election.

SEC. 4. At each annual election, there shall be chosen, by the qualified electors of said city, the following officers, to wit: A mayor and nine councilmen, to be elected by wards as may be established and apportioned by ordinance. All other officers of the city shall be elected or appointed as may be determined by ordinance. All officers, so elected or appointed, shall hold their offices for one year, and until their successors are elected or appointed, according to law and the provisions of any ordinance or ordinances touching such elections or appointments, unless sooner removed in such manner and for such offenses as may be prescribed by ordinance.

Election and appointment of officers.

ARTICLE III.

SEC. 1. There shall be in said city a city council, which shall consist of a mayor and board of councilmen, which board shall consist of nine members, said members to be chosen in the respective wards of the city as they may be apportioned by ordinance.

City Council.

SEC. 2. The said city shall be divided, by ordinance, into not more than six wards, and the number of councilmen to be elected in each ward shall be established by ordinance in proportion to the population of said wards respectively.

Wards.

SEC. 3. If the mayor or any other city officer shall remove from the city, or any councilman shall remove from the ward from which he was elected, his office shall be vacated.

Vacation by removal.

Qualifications of members determined by council.

SEC. 4. The city council shall judge of the qualifications, elections and returns of their members, and shall determine all contested elections in such manner as may be regulated by ordinance.

Quorum.

SEC. 5. A majority of the city council shall constitute a quorum to do business; but a smaller number may adjourn from time to time, and shall have power to compel the attendance of absent members, under such penalty as may be provided by rules of the city council for their own government.

Power to punish and expel members.

SEC. 6. The city council shall have power to determine the rules of its proceedings, punish disorderly conduct, and, with the concurrence of two-thirds of its members, to expel any member.

Shall keep a journal, &c.

SEC. 7. The city council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member, shall be entered in the journal.

Vacancies.

SEC. 8. All vacancies in the city council shall be filled by election by the people.

Oath of office.

SEC. 9. The mayor, members of the board of councilmen, and all other officers of the city, whether elected or appointed, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States, the Organic Law of this Territory, and will faithfully comply with the provisions of this charter, and well and truly perform the duties of their office, impartially and to the best of their skill and ability.

ARTICLE IV.

Mayor president of the council—his veto power.

SEC. 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote when the councilmen are equally divided, and none other; he shall sign all bills before they shall become ordinances, but may refuse or decline to sign any bill which he may deem inexpedient or in violation of any of the provisions of this charter, and, on such refusal, shall, at or before the next regular meeting of the city council after the passage of such bill, return the same, with his objections thereto in writing; whereupon, the council shall reconsider said bill, and dispose of it by yeas and nays entered upon their journal; and, if a majority of the whole city council shall vote yea on said bill, it shall become an ordinance without the signature of the mayor.

Refusal to return an approval.

SEC. 2. If the mayor shall refuse or neglect to return to the council, at its next regular meeting, any bill submitted to him

for his signature, it shall become an ordinance without his signature.

SEC. 3. The mayor shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city and this charter are enforced and complied with.

The mayor to superintend officers and see that ordinances are enforced.

SEC. 4. He shall sign the commissions and appointments of all the officers elected or appointed in the city government.

To sign commissions.

SEC. 5. He shall be a conservator of the peace throughout the city, and, for this purpose, may appoint or dismiss, at pleasure, any number of special policemen that he may deem proper; and all such acts he shall report to the city council.

To appoint special policemen.

SEC. 6. He shall, from time to time, communicate to the city council such information, and recommend such measures, as, in his opinion, may tend to the improvement of the finances of the city, the police, health, security, ornament, comfort and general prosperity of the city.

Shall recommend measures.

SEC. 7. The mayor, or any two councilmen, shall have power to call special meetings of the city council, the object of which shall be submitted to the council, in writing; and the call and object, as well as the disposition thereof, shall be entered upon the journal by the clerk.

Special meetings, how called.

SEC. 8. The mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his account or other papers, and to make report to the council, in writing, touching any subject or matter he may require pertaining to his office.

Special report of officers.

SEC. 9. The mayor shall be active and vigilant in enforcing all laws and ordinances for the government of said city, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; he shall have such jurisdiction as may be vested in him, by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulations thereof.

Mayor to enforce ordinances and quarantine regulations.

SEC. 10. At the first meeting of the city council after any general election for city officers, the board of councilmen shall elect from their own number a president *pro tem.*, who shall, in the absence of the mayor, preside over the city council.

President of council *pro tem.*

SEC. 11. When any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, removal from office, refusal to qualify or otherwise, the president of the council for the time being, shall fill the office of mayor, with all

President to act as mayor in his absence.

the rights, privileges and jurisdiction of the regular mayor, until such vacancy can be filled or such disability removed; or, in case of temporary absence, until the mayor shall return; and to all acknowledgments, ordinances or other papers, which the mayor has power to sign, said president shall affix his signature as "acting mayor;" and, during the absence of the mayor, he shall receive the same compensation that the mayor would have been entitled to; and, in case of such vacancy, other than a temporary absence or disability, the person exercising the office of mayor shall immediately cause a new election to be held, giving ten days' notice thereof by proclamation.

Appointment and removal from office.

SEC. 12. The mayor, by and with the advice and consent of the board of councilmen, shall have power to fill all offices in the city which are not ordered by law or ordinance to be elective, and to remove from office any person holding such office by his appointment.

Appointments and pardons.

SEC. 13. He shall alone have power to fill all vacancies in any office, except that of councilman, until the end of the session of the council which occurs next after such vacancy; to remit fines and forfeitures; to grant reprieves and pardons.

Acknowledgments and depositions.

SEC. 14. The mayor of said city, or the acting mayor in his absence, is hereby authorized to administer oaths, to take depositions or acknowledgments of deeds, mortgages and all other instruments of writing affecting the title of real estate, and to certify the same under the seal of the city, and the same shall be received as valid throughout the Territory.

Mayor, how to qualify.

SEC. 15. At the first meeting of the city council after any general election for city officers, they shall cause to be made out and certified by their clerk, the election and qualification of the mayor, and, within ten days thereafter, he shall cause the same to be recorded in the recorder's office in the county, and a neglect of the mayor to qualify and cause the same to be recorded for the space of ten days, shall be deemed a refusal to accept.

Possé committatus.

SEC. 16. The mayor is hereby authorized to call on every male inhabitant of the city, over eighteen years of age, to aid in enforcing the laws and ordinances of said city, and, in case of necessity, to call out the militia in said city to aid in the suppression of any riot, or in the enforcement of any ordinance; and any person who shall not obey such call, shall forfeit to said city a fine not exceeding one hundred dollars.

ARTICLE V.

The mayor a judicial officer.

SEC. 1. The mayor shall have criminal jurisdiction of all

offenses arising under the ordinances of this city; and the mayor of Elwood is hereby declared a justice of the peace, and shall have all the powers and jurisdiction given to justices of the peace in the Territory.

SEC. 2. He shall be entitled to the same fees as by law are Fees. allowed to justices of the peace, and, in the conduct of his court, shall be governed by the laws of the Territory concerning justices of the peace.

SEC. 3. Any person brought before the mayor charged with any offense under the ordinances of this city, wherein the penalty, which may be imposed upon conviction, exceeds fifty dollars, if he demands it, shall be entitled to a trial by jury by six citizens of this city: *Provided*, The person demanding such trial shall first pay into court the costs of such jury, said costs to be refunded to said person if he shall be acquitted. Trial by jury under ordinance.

SEC. 4. Every person convicted before the mayor of any offense under the ordinances of the city, shall be punished by fine or imprisonment as may be regulated by ordinance. Violation of ordinance, how punished.

SEC. 5. In case of a vacancy occurring in the office of the mayor, it shall be the duty of the acting mayor to try all cases arising under city ordinances, in the same way that the mayor might have done. Vacancy provided for.

ARTICLE VI.

SEC. 1. The marshal shall be chief of the police. The marshal or policemen shall execute all writs, process and other papers issued by the mayor. They shall, also, have power and authority to serve any and all other writs, issued to them by any judicial officer within the city. They are hereby declared to be constables, and are hereby vested with all the rights, powers and jurisdiction by law conferred on a constable of a township; and, for all services performed, shall be entitled to the same fees as are by law allowed to constables. Powers and duties of marshal and policemen.

SEC. 2. The marshal and policemen shall perform all such duties as by ordinance are imposed upon them; they shall be conservators of the peace; shall be vigilant and active in the suppression of all riots, mobs and disorderly conduct in the city; and, for this purpose, may arrest suspicious or disorderly persons, even without process, and take them before the mayor for trial and examination; they shall have power to commit disorderly persons to the city prison or other place of safe keeping, until an examination or trial can be had; and the marshal, as chief of the police, shall have general control over the police Further powers and duties.

force of the city, subject to the direction and supervision of the mayor.

ARTICLE VII.

Taxes.

SEC. 1. The city council shall have power to levy and collect taxes upon all real and personal property, within the limits of the city, for the purpose of general revenue, not to exceed two per centum upon the assessed value thereof in each year, in any manner to be previously provided by ordinance.

Sale and redemption of property for taxes.

SEC. 2. To provide for the sale of real estate for the non-payment of any taxes due thereon, and for the time and manner of redemption of the same: *Provided*, That the owner thereof may redeem the same at any time within two years thereafter, by the payment of the full amount of said tax and all taxes subsequently paid on said real estate by the purchaser, and all costs thereon, together with fifty per cent. per annum on the purchase money and costs and taxes paid on said real estate.

Poll tax.

SEC. 3. To impose a poll tax, not exceeding one dollar, on all male persons over the age of twenty-one years.

Licenses.

SEC. 4. To levy and collect a license tax on auctioneers, taverns, hawkers, pedlars, dram shops, liquor sellers, pawn brokers, shows and exhibitions for pay, billiard tables, ball and ten pin alleys or any number of pins, hacks, drays, wagons or other vehicles used in the city for pay.

Tippling houses, &c.

SEC. 5. To restrain, prohibit and suppress tippling shops, billiard tables, ten pin alleys, ball alleys, houses of prostitution, and other disorderly houses and practices; gaming and gaming houses, and all kinds of public indecencies.

Quarantine laws.

SEC. 6. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

Hospitals, &c.

SEC. 7. To erect, establish and regulate hospitals, work-houses and poorhouses, and provide for the government and support of the same.

Nuisances and water.

SEC. 8. To make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water.

Streets.

SEC. 9. To open, widen, extend, clear, grade, pave or otherwise improve and keep in repair the streets, alleys and public grounds of the city.

Police.

SEC. 10. To establish, regulate and support a night watch and police, and define the powers and duties of the same.

SEC. 11. To provide for lighting the streets and the erection of lamp posts. Lighting streets.

SEC. 12. To erect and establish market houses and market places and to regulate and govern the same, and to provide for the erection of all other useful and necessary buildings for the use of the city. Markets.

SEC. 13. To provide for and cause to be taken an enumeration of the inhabitants. Census.

SEC. 14. To provide, by ordinance, for the election of city officers, prescribing the manner of conducting the same and the returns thereof, and for deciding contested elections. Elections.

SEC. 15. To provide for removing officers of the city for misconduct, and for the appointment of officers not provided for in the charter, their duty and compensation. Appointment and removal.

SEC. 16. To regulate the police of the city and to impose fines, forfeitures and penalties for the breach of any ordinance, and, also, for the recovery and collection of the same, and, in default of payment, to prescribe confinement in the city prison, or at hard labor in the city. Fines, &c.

SEC. 17. To regulate and prescribe the powers and duties and compensation of the officers of the city. Duties and compensation of officers.

SEC. 18. To require from all officers elected or appointed in pursuance of this charter, bonds and security for the faithful performance of their duties. Official bonds.

SEC. 19. To borrow money on the credit of the city, and pledge the revenues and property of the city for the payment thereof. Loans.

SEC. 20. To appropriate money and provide for the payment of the debts and expenses of the city. Appropriations.

SEC. 21. To divide the city into wards and to apportion their representation in the city council according to population. Wards.

SEC. 22. All ordinances of the city shall be passed pursuant to such rules and regulations as the city council may provide; and all ordinances of the city may be proved by the certificate of the clerk under the seal of the city, and, when printed or published in book or pamphlet form, and purporting to be printed and published by authority of the city, shall be read and received in evidence in all courts and places without further proof. Ordinances, evidence in court.

SEC. 23. The city council shall cause to be published, once in each year, a statement of the receipts and expenditures of the city and a statement of the financial condition of the city. Annual exhibit.

SEC. 24. To pass any ordinance usual or necessary for the Miscellaneous provisions.

well being of the inhabitants, and to pass and to provide for the enforcement of any and all ordinances which may be deemed right and proper, not inconsistent with the constitution of the United States and the organic act of Kansas Territory.

ARTICLE VIII.

Opening streets.

SEC. 1. The city council shall have power to extend, open and widen any street, alley, avenue or lane, at their discretion, at any place within the city, and to create or open any new street, avenue, alley or lane, at their discretion; and to provide for the improvement of public roads and highways leading into and out of the city, within four miles of the centre of the city.

Compensation.

SEC. 2. When it shall be necessary to take any private property for opening, extending, widening or altering any street, avenue, alley or lane, the city shall make a just compensation therefor.

Appraisal.

SEC. 3. If the amount of such compensation cannot be agreed upon, the mayor shall appoint six disinterested freeholders of said city, who shall estimate and appraise the amount of said damages.

Inquest.

SEC. 4. The said jury of freeholders, before entering upon the discharge of their duties, shall each be sworn to impartially assess the amount of said damages, and shall return their inquest, in writing, to the mayor, signed by each juror.

Same.

SEC. 5. In estimating the amount of said damages, the said jurors shall consider the benefit resulting from as well as the loss sustained by the owner.

Special tax.

SEC. 6. The city council shall have the power, by ordinance, to levy and collect a special tax on the real estate lying in any street, avenue, alley or lane, in proportion to the respective value of each piece or parcel thereof, for the purpose of grading, paving, repairing or otherwise improving said street, avenue, alley or lane.

Hems.

SEC. 7. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots in any street, avenue, alley or lane, according to the respective fronts owned by them, for the purpose of curbing and paving the sidewalks and lighting such street, avenue, alley or lane, and for the purpose of paving, macadamizing, repairing or otherwise improving said street, avenue, alley or lane.

Exemption.

SEC. 8. The citizens of the city of Elwood are hereby exempt from working on any road beyond the city limits and from pay-

ing a road tax for the construction of any road without the city limits, except as provided in this act.

SEC. 9. The council of said city are hereby authorized and ^{Public school.} required, at the expense of said city, to provide for the establishment and support of common schools therein.

ARTICLE IX.

SEC. 1. All charters to incorporate the city of Elwood, and all ^{Repeal} acts amendatory thereto, are hereby repealed.

SEC. 2. All the ordinances and by-laws of said city, now in ^{Past ordinances.} force, shall be in full force and effect under this act; and all rights acquired under former charters are hereby confirmed and continued by this act.

SEC. 3. This act is hereby declared a public act, and shall be ^{Charter a public act.} in full force and effect from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 8, 1859.

S. MEDARY,

Governor.

CHAPTER XCVI.

AN ACT to Incorporate the City of Eudora.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. All that district of country described as follows, to ^{Boundaries!} wit: All of section eight, except forty acres taken off of the west side, and two hundred acres off of the south and east sides of section five, township thirteen and range twenty-one, in Douglas county, Kansas Territory, is hereby erected into a city by the name of the "City of Eudora," and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the "City of Eudora," and by that name they and ^{Name.} their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may contract and be contracted with; may purchase, receive and

May hold property. hold property, both real and personal, within said city, and may sell, lease or otherwise dispose of the same for the benefit of the city; may purchase, receive and hold property, real, personal and mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water-works to supply the city with water, for the establishment of a hospital for the reception of persons afflicted with contagious or other diseases, or for the erection of a poor house, farm or work house, or house of correction, or for any other purpose which may tend to the general good of the city, and may erect buildings or other improvements for the purposes aforesaid, and may sell, lease or otherwise dispose of such property for the benefit of such city, and may do all other acts as natural persons, and may have a common seal and change the same at pleasure.

Powers. SEC. 2. The corporate powers and duties of said city shall be vested in a mayor and board of councilmen, who shall be chosen as hereinafter directed.

Wards. SEC. 3. The board of councilmen shall consist of five members, for the election of whom the city shall be divided into convenient wards by ordinance, which wards may be altered from time to time or new ones created, as the convenience of the inhabitants

Apportionment. may require, and the councilmen shall be apportioned among the several wards in proportion to the number of qualified voters in each; but, in the election of the first board of councilmen, the whole city shall vote for five councilmen, by general ticket. The number of councilmen may be increased by ordinance.

How chosen. SEC. 4. The councilmen shall be chosen by the qualified voters of their respective wards, shall serve for the term of one year,

Qualifications. and until their successors are elected and qualified, shall be at least twenty-one years of age, citizens of the United States, and shall have resided in said city at least sixty days next preceding their election; and, whenever there shall be a tie in the election of any councilman, it shall be determined by the judges of the election in the ward in which it shall happen, by lot, and all the vacancies shall be filled by election as aforesaid, in such manner as shall be provided by ordinance.

Elect president and other officers. SEC. 5. The board of councilmen shall elect their president and all other officers, agents and servants of the board; shall judge of the qualifications, elections and returns of their own members. A majority of the whole number shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members,

in such manner and under such penalties as the board may prescribe; and they shall, at any time, upon the request of any member, cause the yeas and nays to be called and entered upon the journal.

SEC. 6. The board of councilmen shall hold their stated meetings on such days and times as shall be fixed by ordinance, but there shall not be exceeding twelve regular meetings in any one year, and they may adjourn their stated and other meetings from time to time, and may, by ordinance, change the times of holding their regular meetings. Meeting of councilmen.

SEC. 7. The mayor shall be elected by the qualified electors of the city, shall hold his office for the term of one year, and until his successor is duly elected and qualified; and when two or more persons shall have an equal number of votes for mayor, the election shall be determined by the board of councilmen by lot. Election of mayor.

SEC. 8. The mayor shall be at least twenty-one years of age, a citizen of the United States, shall have resided in the city at least three months next preceding his election, and be otherwise qualified as required in case of councilmen. Qualification.

SEC. 9. The mayor, by and with the advice and consent of the councilmen, shall have power to fill all offices within the city which are not ordered by law to be elected or otherwise appointed. The mayor shall take care that the laws of the Territory and the ordinances of the corporation are duly enforced, respected and observed within the limits of said city. He shall have power, with the consent of the board of councilmen, to remove from office any person holding office created by ordinance; he shall be conservator of the peace within the city; he shall, from time to time, give to the board of councilmen information relative to the situation of the affairs of the city; and shall recommend to their consideration such measures as he shall deem expedient for the welfare of the city; he may, on extraordinary occasions, convene the board of councilmen by proclamation, stating to them, when assembled, the object for which they were convened, and shall have power, whenever he deems it necessary, to require any officer of the city to exhibit his accounts, books or other papers, and to make report, in writing, to the mayor and board of councilmen, touching any subject or matter pertaining to his office. Powers. Duties.

SEC. 10. Whenever any vacancy shall happen in the office of mayor by death, resignation, absence, from the city, removal from office, refusal to qualify or otherwise, or when the mayor shall be party interested, or put upon his trial for any violation Vacancies.

of law or ordinance, the president of the board of councilmen, for the time being, shall exercise the office of mayor until such vacancy shall be filled, or such disability be removed; or, in case of temporary absence or disability, the person exercising the office of mayor shall cause a new election to be had, giving ten days' notice thereof by proclamation.

Mayor pro tem.

Taxes.

SEC. 11. The mayor and board of councilmen shall have power, by ordinance, to levy and collect taxes, not exceeding one-half of one per centum, upon real and personal property within the city, and upon all possessing rights or claims to any lots, lands and other property within the city, and upon property, lands, lots, interests or shares held, owned or claimed by any person or persons, company, firm, association or corporate body, whether the title of the United States be extinguished or not, upon the assessed value thereof, and all moneys on hand or on deposit, bills of exchange, bonds, notes and other securities held upon solvent persons or corporations, over and above the just debts or liabilities of the owner or holder thereof; to levy and collect a poll tax, not exceeding one dollar per annum, upon every free male person over twenty-one and under fifty-five years of age; to provide for the granting of licenses for all purposes, to prevent and remove nuisances, to establish night watches and patrols, and to do all other acts which properly appertain to legislative bodies and corporate authorities, not contrary to the constitution of the United States and the laws of this Territory.

Poll tax.

License, &c.

Mayor's approval

SEC. 12. Any ordinance passed by the board of councilmen shall, before it becomes a law, be presented to the mayor for his approval; if he approves it, he shall sign it under his indorsement of approval; if not, he shall return it, with his objections, to the board, who shall reconsider the same, and if, notwithstanding the objections of the mayor, it shall be passed by a majority of the whole number of councilmen, it shall become a law; and, in all such cases, the yeas and nays shall be entered on the journal; and if any ordinance, presented to the mayor for his approval, shall not be returned to the board within three days after it is delivered to him, the same shall become a law as fully as if he had signed it.

Form of ordinance.

SEC. 13. The style of all ordinances shall be, "Be it ordained by the mayor and councilmen of the city of Eudora;" and all ordinances shall, within one month after they are passed, be published in some newspaper in said city, or by handbills posted in three of the most public places in said city.

SEC. 14. The mayor and board of councilmen shall appoint a City register. city register, who shall be clerk of the board of councilmen, and shall record all deeds, mortgages and other instruments in writing made and executed in said city, and do all other business that appertains to said office; shall hold his office for one year and until his successor shall be duly appointed and qualified, and shall give bond in the sum of one thousand dollars, to said mayor Bond. and board of councilmen, for the faithful discharge of his duties.

SEC. 15. There shall be held, annually, on the first Monday in Election. March, a general election, at which time there shall be elected a mayor, a board of councilmen, justice of the peace, marshal and treasurer, by the qualified electors of said city. The justice of the peace, marshal and treasurer shall hold their offices for one year and until their successors are elected and qualified. The marshal shall act as constable, and the collector of taxes shall give bond in the sum of one thousand dollars, to the mayor and Give bond. board of councilmen, for the faithful performance of his duties, and to pay over to the treasurer all moneys by him received. The treasurer shall keep books of account, and receive all moneys Duties of treasurer. belonging to said city, and pay them out upon the orders of the board of councilmen, and shall give bond to said mayor and board of councilmen, in the sum of two thousand dollars, for the faithful discharge of his duties, and to pay over to his successor in office all funds which may be in his hands when he shall go out of office. All bonds required of officers under this charter, shall be signed by at least two good and sufficient sureties.

A. LARZALERE,

Speaker of House of Representatives.

G. W. BABCOCK,

President of the Council.

Approved February 8, 1859.

S. MEDARY,

Governor.

CHAPTER XCVII.

AN ACT to Incorporate the town of Grasshopper Falls.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. All that country comprised within the surveyed

Boundaries.

limits of the town of Grasshopper Falls, shall be and the same is hereby incorporated into a town, to be called the "Incorporation of the town of Grasshopper Falls," and by that name shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters whatsoever; may grant, purchase, receive and hold property, real and personal, within said town, or may purchase or receive, by donation or otherwise, any amount of land, within two miles of town, necessary for the purposes of a burial ground, and may, by said name, do all acts as natural persons, may have a common seal, and may alter or change the same at pleasure.

Powers vested.

SEC. 2. The corporate powers and authority of said town of Grasshopper Falls are hereby vested in a board of trustees, to be called the "Board of Trustees of the town of Grasshopper Falls."

Powers of trustees.

SEC. 3. The board of trustees shall consist of five members, and shall have power and authority to pass all ordinances of every nature necessary for the good of the town, and not inconsistent with the constitution or laws of the United States, or the laws of this Territory.

Names of board.

SEC. 4. George S. Hillyer, James Frazier, J. H. Bennett, Simon C. Gephart and W. C. Hicks, are hereby made and constituted the first board of trustees for said town of Grasshopper Falls, and such board shall meet at such time as they may determine upon; and shall select one of their number as president of the board; they shall also elect a clerk of the board.

Officers.

SEC. 5. The board of trustees may appoint a town constable, assessor, collector, treasurer and such other agents and officers as they may deem necessary, and provide for the pay of such officers and agents, and prescribe their powers and duties.

President and powers.

SEC. 6. The president of the board of trustees shall have all the powers and privileges of a justice of the peace within the corporate limits of the said town of Grasshopper Falls, in all matters arising under the ordinances of said town, and he shall sit on the trial of all violations of any of the ordinances, and shall do and perform all duties under and by virtue of any ordinance of the board of trustees: *Provided*, That, in cases of vacancy or absence of such president at the board, any justice of the peace shall have and possess all the judicial powers and duties of such president, under any of such ordinances, and such president shall receive the same fees as a justice of the peace for similar services.

SEC. 7. There shall be held, on the first Monday in each year, ^{Election.} at such place or places as the board of trustees shall select, an election for five trustees, and the five persons having the highest number of votes shall be declared elected, and such election shall be conducted and such trustees shall be qualified in such manner as may be prescribed by ordinance.

SEC. 8. The board of trustees shall have power, by ordinance, ^{Taxes, &c.} to levy and collect a tax on all lawful subjects of taxation, not exceeding one per cent., and to prevent and remove all nuisances, to prevent and restrain gambling and other disorderly houses, to restrain tippling houses, dram shops, ten pin alleys, or other gambling devices; to regulate shows and circuses, and by ordinance to do all other lawful acts necessary to the well being of said town.

SEC. 9. The board of trustees shall have power to keep in ^{Repairs.} repair all streets and alleys in said town.

SEC. 10. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved January 28, 1859.

S. MEDARY,

Governor.

CHAPTER XCVIII.

AN ACT to Incorporate the Town of Hickory Point.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the inhabitants of the town of Hickory Point, ^{Incorporation.} in the county of Jefferson, be and the same are hereby incorporated and made a body politic and corporate, under the name and style of the "Town of Hickory Point," with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and to do and perform all such other acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully and lawfully do and perform.

Election.

SEC. 2. That, on the first Monday in April next, and on the first Monday in September, annually, thereafter, an election shall be held in said town, for the choice of a president and four trustees for said town, to serve for the ensuing twelve months, (except the board first elected, which shall serve until the first Monday in September, A. D., 1860,) and until their successors are elected and qualified; and, at said elections, all free white males, residents of said town, of the age of twenty-one years and upwards, and all free white males of said age, holding real estate, either by a legal or equitable title, within the limits of said town, shall be entitled to vote; and said election shall be held at ———, until otherwise ordered by the board of trustees of said town; and, at the first election, the officers thereof shall be appointed by such voters as may be present at ten o'clock A. M., when the poll shall be opened; but said officers shall be appointed annually, after the first election, by the board of trustees: *Provided*, That, should any officer appointed fail or refuse to act at any election, the others may fill the vacancy.

Qualifications of officers and voters.

President and board of trustees how chosen.

Oath.

Powers, &c.

Taxes.

SEC. 3. The president and board of trustees of said town shall be chosen from among the free white male voters resident of said town, and, before entering on the performance of the duties of their station, shall exhibit a certificate of their election from the judges holding the election, and each take an oath honestly and faithfully to perform their duties as such; and the board of trustees shall have power, from time to time, to make laws and ordinances for the government of said town; for the preservation of good order, decency and decorum, within the limits of said town; for the preservation of the peace, health, lives and property of the inhabitants and others, within said town; for the preservation, repair and improvement of the streets and alleys of said town; and for all such other matters as properly come within the police of an incorporated town; and shall have power to provide punishment for all violations of their laws or ordinances, by a fine or imprisonment or both. They shall, from year to year, levy and provide for the collection of a tax on the inhabitants and property within said town, not exceeding one dollar per annum on each one hundred dollars worth of taxable property, and one dollar per annum as a poll tax, to be paid by each qualified voter, resident of said town, to be expended by them in the necessary outlays attending the good government of said town, and for the repair, improvement and preservation of the streets and alleys of said town: *Provided*, That no law or ordinance shall be passed

which in anywise conflicts with the organic law of this Territory or the constitution of the United States. They shall, at their first meeting, regulate the time and place of their meetings, and shall have power to change the same, from time to time; to fill all vacancies that may occur in their own body, and may enact a law to compel the attendance of absent members. They shall, annually, appoint, from the qualified voters of said town, a town marshal, a town clerk, who shall, also, be town treasurer, and regulate the amount of penalties of their several bonds, payable to the corporation; and fill all vacancies that may occur in either of said offices. The president shall preside at the several meetings of the board, but shall have no vote except in case of a tie, or where his vote will make a majority. He shall take care that all town laws be faithfully executed; call extra meetings of the board when necessary; and, in case of his absence, death or resignation, the board of trustees shall appoint one of its own members to fill his place, *pro tem.*; and the board of trustees shall define the duties of the town clerk and treasurer, and, from time to time, fix their emoluments and fees, as well as the emoluments of the president and marshal; but the members of the board shall receive no compensation.

SEC. 4. That the town marshal shall perform such duties as Marshal's duties. may be required of him by the board of trustees, and execute all process which may be requisite for the enforcement of the laws and ordinances of said town, and shall have the powers and privileges of a constable of the township in which said town is situated.

SEC. 5. That a majority of the board of trustees shall be a Quorum. quorum to transact business, but a less number may adjourn from day to day, fill vacancies in their own body, and compel the attendance of absent members.

SEC. 6. That the president of the board of trustees shall have President has powers of justice of the peace. all the powers and privileges of a justice of the peace, in and for the county of Jefferson, in the township in which said town is situated, and shall have exclusive jurisdiction of all cases arising under the laws and ordinances of the board of trustees of said town. He shall keep a record of all matters pertaining to his office, in such manner as justices of the peace are required to do by the statutes of this Territory, now in force or hereafter to be enacted.

SEC. 7. That appeals from all judgments rendered by the said Appeals. president of the board of trustees of said town, in civil cases,

shall be allowed to any party, under the same rules and regulations and to the same tribunals as appeals are now allowed or may hereafter be allowed from judgments of justices of the peace.

Marshal's fees.

SEC. 8. That the marshal of said town shall be entitled to the same fees as constables are entitled to for similar services.

Vacancies.

SEC. 9. That, in case of the absence, death or resignation of the marshal of said town, all process issued by the president of said board of trustees, under the laws and ordinances of said town, may be executed and returned by any constable of the township in which said town is situated.

Boundaries.

SEC. 10. The boundaries of said town of Hickory Point shall be all that portion of land within the present surveyed limits of said town, [and] shall constitute the boundaries of the same.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 8, 1859.

S. MEDARY,

Governor.

CHAPTER XCIX.

AN ACT to Incorporate the Town of Highland.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Incorporation.

SECTION 1. All that tract of country which may be comprised within the limits of the town of Highland, in the county of Doniphan, and set forth and defined in the plat of said town of Highland, shall be and the same is hereby incorporated into a town by the name of "Highland," and by that name shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters whatever; may grant, purchase, receive and hold property, real, personal and mixed, within said town, or may purchase or receive, by donation or otherwise, any amount of land within the limits of said town, for the erection of public buildings, and, also, any amount of land, anywhere within three miles of said town, necessary for the purpose of a burial

Privileges.

ground, and may, in the same name, do all acts as natural persons; may have a common seal, and may alter or change the same at pleasure.

SEC. 2. The corporate powers and authority of said town of Highland are hereby vested in a board of trustees, to be called the "Board of Trustees of the town of Highland." Trustees.

SEC. 3. The board of trustees shall consist of five members, and shall have authority to pass all ordinances of every nature, necessary for the good of the town, and not inconsistent with the constitution or laws of the United States or the laws of this Territory. Duties.

SEC. 4. H. N. Seaver, John Bayless, Sen., E. M. Hubbard, T. P. Herrick and Thos. Stevenson are hereby made and constituted the first board of trustees for the said town of Highland; and such board shall meet at such time and place as they may agree upon, and shall select one of their number as president of the board, and shall, also, select a clerk of the board. Names of board.

SEC. 5. The board of trustees may appoint a town constable, assessor, collector, treasurer and such other agents and officers as they may deem necessary, and they shall provide for the pay of such officers and agents and prescribe their powers and duties. Appoint officers.

SEC. 6. The president of the board of trustees shall have all the powers and privileges of a justice of the peace, within the corporate limits of said town of Highland, in all matters arising under the ordinances of said town, and he shall do and perform all duties, under and by virtue of any ordinance, which may be prescribed by said board of trustees: *Provided*, That, in case of vacancy or absence of such president of the board, any justice of the peace shall have and possess all the judicial powers of said president under any such ordinance, and such president shall receive the same fees as a justice of the peace for similar services. President has powers of justice of the peace.

SEC. 7. There shall be held, on the first Monday of November, A. D. eighteen hundred and fifty-nine, and on the first Monday of November every year thereafter, in the said town of Highland, an election for five trustees, and the persons having the highest number of votes shall be declared elected, and such election shall be conducted and such trustees shall be qualified in such manner as may be prescribed by ordinance; and all ties may be decided and all vacancies filled in such manner as may be prescribed by ordinance. Fees.

SEC. 8. The board of trustees shall have power, by ordinance, to levy and collect a tax on all lawful subjects of taxation, not exceeding one half of one per centum; to remove and prevent Election for trustees.

Taxes, &c.

nuisances; to prevent and restrain bawdy houses, gambling houses and other disorderly houses; to restrain and prevent gambling; to regulate or prohibit tippling houses, dram shops, tenpin alleys or other gambling devices; to regulate circuses, shows or other theatrical amusements; to protect property from fire; to prevent the introduction and spread of diseases, and, by ordinance, to do all other things that may be necessary and lawful for the well being of said town.

Repairs of streets
&c.

SEC. 9. The board of trustees shall have power to open and put in repair all streets and alleys in said town.

SEC. 10. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER C.

AN ACT to Incorporate and Establish the city of Lawrence, Kansas Territory, and for revising and repealing all Laws and parts of Laws heretofore enacted on that subject.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

ARTICLE I.

Boundaries and
corporate privi-
leges.

SECTION 1. That all that district of country contained within the following limits, to wit: Beginning in the middle of the channel of the Kansas river, opposite a point where the east side of Maryland street intersects the south bank of said river, thence south to the shore, and on the east line of said Maryland street four thousand two hundred and ninety feet, to the south side of Adams street; thence west five thousand three hundred and ten feet, to the west side of Illinois street; thence north three thousand three hundred and eighty feet, to the south side of Warren street; thence west four thousand five hundred and sixty-one feet, thence north five thousand five hundred feet, thence east five thousand six hundred and twenty to the Kansas

river, thence continuing east to the middle of the same, and down said river to the place of beginning, is hereby erected into a city by the name of the "City of Lawrence," and the inhabitants thereof shall be and continue to be a body politic, for all the purposes for which towns and cities are incorporated in this Territory, under the name and style of the "City of Lawrence," and as such they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in any and all courts of law and equity, and in all actions whatever; may contract and be contracted with; may purchase, receive and hold property, both real and personal, within said city, and may sell, lease, convey or otherwise dispose of the same for the benefit of the city, and may, in like manner, possess and convey property both real, personal or mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water works, for the establishment of hospitals, poor houses, or houses of correction, or for any purpose which may tend to the general good of the city, and may have a common seal, and change the same at pleasure.

SEC. 2. The corporate powers and duties of said city shall be vested in a mayor and board of councilmen, to be styled the "City Council of the City of Lawrence."

Corporate powers,
how vested.

SEC. 3. The inhabitants of the said city, by the name and style aforesaid, shall have power to provide and establish by ordinance all necessary municipal laws, rules and regulations for the government of the inhabitants, and enforcing the same; to pass all ordinances that may be necessary to carry the provisions of this charter into effect, and pass and provide for the enforcement of any and all ordinances which may be deemed right and proper, and not inconsistent with the constitution of the United States, and the organic act and laws of this Territory.

Make laws and
put them in force.

SEC. 4. The enacting clause of all ordinances shall be, "Be it ordained by the mayor and councilmen of the city of Lawrence," and all ordinances shall be published, in such manner as may [be] provided by ordinance, prescribing the same, and no ordinance shall be enforced until so published.

Enacting clause.

Publication of
ordinances.

SEC. 5. The permanent officers of the city of Lawrence shall be a mayor, seven councilmen, recorder, marshal, two assessors, treasurer and city engineer, and no person shall be eligible to any office under this charter, who has not resided within said city of Lawrence one year next preceding the time of his election.

Permanent officers
of the city.

SEC. 6. All male citizens of the United States, or who have

Qualification of electors.

lawfully declared their intention to become such, who are twenty-one years of age, and who shall have resided within this city three months next preceding any city election, shall be deemed qualified electors of said city in the ward in which they may reside.

Time and manner of election.

SEC. 7. The regular annual election for officers in said city, shall be held on the first Monday in March, and at such places as may be designated by the mayor, and all officers elected at such election shall enter upon the duties of their several offices on the first Monday in May in each year, and continue in office for the term of one year, and until their successors are elected and qualified according to law.

"Act regulating elections" in force.

SEC. 8. That an act entitled "An act regulating elections," shall be in full force and effect in all elections in this city, so far as the same may be applicable: *Provided*, Nothing in said act shall apply to the government or regulations of elections that conflict with any of the provisions of this charter.

What officers chosen

SEC. 9. At each annual election there shall be chosen, by the qualified electors of said city, the following officers, to wit: mayor, seven councilmen, recorder, marshal, two assessors, treasurer and city engineer, and all other officers shall be elected or appointed, as may be determined by ordinance, and shall hold their offices for one year, unless sooner removed.

ARTICLE II.

Offices vacant, when.

SEC. 1. If the mayor, or any other officer of this city, shall remove from this city, his office shall be vacated.

Quorum.

SEC. 2. A majority of the city council shall constitute a quorum to do business; but a smaller number may adjourn from time to time, and shall have power to compel the attendance of absent members under such penalty as may be provided by rules of the city council for their own government.

Regular and special meetings.

SEC. 3. The regular meetings of the city council shall be held on the first Tuesday of each month, at such place as they may appoint; but the mayor, or any two councilmen, may call special meetings by giving special notice in writing to each member of the council.

Power to punish and expel members.

SEC. 4. The city council shall have power to determine the rules of its proceedings, punish disorderly conduct, and, with the concurrence of two-thirds of its members, to expel any member.

SEC. 5. The city council shall keep a journal of its proceed-

ings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member, shall be entered in the journal. Shall keep a journal, &c.

SEC. 6. No member of the council shall, during the period for which he was elected, be appointed to or competent to hold any office the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work or business, the expense or price of consideration of which is paid from the city treasury; nor shall any such member be directly or indirectly interested in the purchase of any real estate, or the property belonging to the corporation, or become security for any officer appointed by said council, or for any contractor under the city government. Disqualification of members.

SEC. 7. All vacancies in the city council shall be filled by special election by the people. Vacancies.

SEC. 8. The mayor, members of the board of councilmen, and all other officers of the city, whether elected or appointed, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and the organic act organizing the Territories of Kansas and Nebraska, and the laws of this Territory, and will faithfully comply with the provisions of this charter, and well and truly perform the duties of their office, impartially, and to the best of their skill and abilities. Oath of office.

ARTICLE III.

SEC. 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote, when the members shall be equally divided, and none other. He shall sign all bills before the same shall become ordinances, but may refuse or decline to sign any bill which he may deem inexpedient or in violation of any provisions of this charter; and shall, at or before the next regular meeting of the city council after the passage of such bills, return the same, with his objections thereto, in writing. Thereupon, the council shall reconsider said bill, and dispose of it by yeas and nays, entered upon their journal; and, if a majority of the whole city council shall vote yea on said bill, it shall become an ordinance, without the signature of the mayor. Mayor president of the council—his vote power.

SEC. 2. If the mayor shall neglect or refuse to return to the council, at its next regular meeting, any bills submitted to him for his signature, it shall become an ordinance without his signature. If bill not returned, becomes ordinance.

SEC. 3. The mayor shall have the superintending control of all

Mayor superintend all offices, and see that ordinances are enforced.

the offices and officers of the city, and shall take care that all the ordinances of the city and this charter are enforced and complied with.

To sign commissions.

SEC. 4. The acting mayor shall sign the commissions and appointments of all the officers elected or appointed in the city government.

To appoint policemen.

SEC. 5. He shall be a conservator of the peace throughout the city, and for this purpose may appoint or dismiss at pleasure any number of policemen he may deem proper; and all such acts he shall report to the city council.

Shall recommend measures.

SEC. 6. He shall, from time to time, communicate to the city council such information and recommend such measures, as, in his opinion, may tend to the improvement of the finances of the city, [and] the peace, health, security, ornament, comfort and general prosperity of the city.

Special report of officers.

SEC. 7. The mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers and to make report to the council, in writing, touching any subject or matter he may require, pertaining to his office.

Mayor to enforce ordinances and quarantine regulations.

SEC. 8. The mayor shall have such jurisdiction as may be vested in him by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulations thereof.

President of council *pro tem.*

SEC. 9. The city council shall elect one of their own number a president *pro tem.*, who shall, in the absence of the mayor, preside over the city council.

President *pro tem.* to act as mayor in his absence.

SEC. 10. When any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, refusal to qualify, removal from office or otherwise, the president *pro tem.* of the council, for the time being, shall exercise the office of mayor, with all the rights, privileges and jurisdiction of the regular mayor, until such vacancy be filled or disability removed; or, in case of temporary absence, until the mayor shall return; and, during the absence, he shall receive the same compensation that the mayor would have been entitled to; and, in case of such vacancy, other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held, giving ten days' notice thereof by proclamation.

Appointment and removal from office.

SEC. 11. The mayor, by and with the advice and consent of the council, shall have power to fill all offices within the city which are not ordered by law or ordinance to be elected, and to remove from office any person holding office created by ordinance.

SEC. 12. He shall have power to fill all vacancies in any office except that of councilman, until the end of the session of the council which shall occur next after such vacancy; to remit fines and forfeitures; to grant reprieves and pardons for offenses committed against any ordinance of the city. Appointments and pardons.

SEC. 13. The mayor of said city is hereby authorized to administer oaths, take depositions and acknowledgments of deeds, mortgages and all other instruments of writing affecting the title of real estate, and certify the same under the seal of the city; and the same shall be received as valid throughout the Territory. Acknowledgments and depositions.

SEC. 14. The mayor is hereby authorized to call on every male inhabitant of the city, over eighteen years of age, to aid in enforcing the laws and ordinances of said city, and, in case of necessity, to call out the militia within said city, to aid in the suppression of any riot, or in the enforcement of any ordinance, and any person who shall not obey such call shall forfeit to said city a fine not exceeding one hundred dollars. Paceo committatus.

ARTICLE IV.

SEC. 1. The recorder shall have exclusive original criminal jurisdiction of all offenses arising under the ordinances of this city, and the person holding the office of recorder of the city of Lawrence is hereby declared a justice of the peace, and shall have all the powers and jurisdictions of justices of the peace, in civil cases, and exclusive original jurisdiction in all criminal cases arising within the city. Recorder's jurisdiction and powers.

SEC. 2. He shall be a conservator of the peace, and his court shall be open every day, except Sundays, to hear, try and determine all cases wherein a breach of any ordinance of the city is charged, and he shall have power to issue all necessary processes to bring parties before him forthwith for trial. Preserve peace.

SEC. 3. He shall be entitled to the same fees as are by law allowed to a justice of the peace. Fees.

SEC. 4. In all cases before the recorder arising under any ordinance of this city, an appeal may be taken in a final judgment, wherein the amount, exclusive of costs, exceeds twenty-five dollars, and, in all cases before the recorder, under the laws of this Territory, the same right of appeal as is by law allowed in justice's courts. Appeal.

SEC. 2. All appeals from the judgment of the recorder's court, if arising under ordinances of the city, shall be to the district court of the county of Douglas, in the same manner as is prescribed by law for taking appeals from justices' courts. To district court.

Trial by jury,
when.

* SEC. 6. Any person brought before the recorder, charged with any offence under the ordinances of this city, wherein the penalty which may be imposed upon conviction exceeds fifty dollars, shall be entitled, if he demand it, to a trial by a jury of six citizens of this city: *Provided*, The person demanding such trial shall first pay into court the costs of such jury; said costs to be refunded to such person if he shall be acquitted.

How punished.

SEC. 7. Every person convicted before the recorder of any offense under the ordinances of the city, shall be punished by fine or imprisonment, as may be regulated by ordinances.

Vacancy.

SEC. 8. In case of a vacancy occurring in the office of recorder, by death, resignation or otherwise, as in case of sickness, absence, interest or disability of such recorder to perform his duty, it shall be the duty of any acting justice of the peace of the township, who may be designated by the mayor to perform the same, during such vacancy, absence or disability.

ARTICLE V.

Marshal's duties.

SEC. 1. The marshal shall execute, either by himself or deputy, all writs, process and other papers issued by the recorder. He shall, also, have power and authority to serve any and all writs issued to him by any judicial officers within the city. He is hereby declared a constable, and vested with all the rights, powers and jurisdiction by law conferred on a constable of a township, and for all services performed by him shall be entitled to the same fees as are by law allowed to constables.

Same.

SEC. 2. The marshal shall perform all such duties as are, by ordinance, imposed upon him. He shall be a conservator of the peace, shall be vigilant and active in the suppression of all riots, mobs and disorderly conduct in the city, and for this purpose may arrest suspicious or disorderly persons, even without process, and take them before the recorder for trial and examination. He shall have power to commit disorderly persons to the city prison or other place of safe keeping, until examination or trial can be had, and shall be chief of the police of the city, subject to the general control and supervision of the mayor.

Be collector of
taxes.

SEC. 3. He shall, by virtue of his office, be collector of the taxes and all revenues within the city, and shall give such bond and security, for the performance of his duties as marshal, as may be prescribed by the city council.

Deputies,

SEC. 4. The marshal shall have power to appoint one or more deputies, subject to such regulations as may be prescribed by ordinance.

ARTICLE VI.

SEC. 1. The city council, at their first meeting, shall appoint a clerk, to be denominated a city clerk, who shall hold his office one year, and until his successor is chosen and duly qualified, removable, however, at the pleasure of the council; and, before entering upon his official duties, he shall be sworn to the faithful discharge of his duties. He shall keep a journal of all the acts and proceedings of said board, sign all instruments and warrants issued by them, and do such other acts, in his capacity, as may be lawfully and reasonably required of him, and deliver over all books, journals, papers and documents, entrusted to him as such clerk, to his successor in office, immediately upon such successor being chosen and qualified, or whenever he may be thereto required by the council; and said clerk shall be entitled to a salary, to be provided by ordinance, not exceeding three hundred dollars per annum; and said council may provide, by ordinance, for the appointment of such other officers as they may deem necessary.

City clerk—his duties, &c.

ARTICLE VII.

SEC. 1. The city council shall have power to levy and collect taxes upon all real and personal property, within the limits of the city, for the purpose of the general revenue, not to exceed one half of one per centum upon the assessed value thereof, in each year, in any manner to be previously provided by ordinance.

Taxes.

SEC. 2. To provide for the sale of real estate for the non-payment of taxes due thereon, and for the time and manner of redemption of the same: *Provided*, That the owner thereof may redeem the same at any time within two years, by the payment of the full amount of the tax and all taxes subsequently paid thereon by the purchaser, and all costs thereon, together with interest at the rate of twenty-five per cent. per annum thereon.

Sale and redemption of property for taxes.

SEC. 3. To impose a poll tax, not exceeding one dollar, on all male persons over the age of twenty-one years and under the age of seventy years.

Poll tax.

SEC. 4. To levy and collect a license tax on auctioneers, taverns, hawkers, pedlars, dram shops, liquor sellers, pawn brokers, shows and exhibitions for pay, billiard tables, ball and ten pin alleys or any number of pins the same may have, hacks, drays, wagons or other vehicles used within the city for pay, theatres and theatrical exhibitions for pay.

Licenses.

SEC. 5. To restrain, prohibit and suppress tippling shops,

Tippling houses, &c.

billiard tables, ten pin alleys, ball alleys, houses of prostitution, and other disorderly houses and practices, game and gaming houses, and all kinds of public indecencies.

Quarantine laws. SEC. 6. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

Hospitals, &c. SEC. 7. To erect, establish and regulate hospitals, work-houses and poorhouses, and provide for the government and support of the same.

Nuisances and water. SEC. 8. To make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water.

Police. SEC. 9. To establish, regulate and support a night watch and police, and define the duties and powers of the same.

Markets. SEC. 10. To erect and establish market houses and market places and to regulate and govern the same, and to provide for the erection of all other useful and necessary buildings for the use of the city.

Census. SEC. 11. To provide for and cause to be taken the enumeration of the inhabitants.

Elections. SEC. 12. To provide, by ordinance, for the election of city officers, prescribing the manner of conducting the same and the returns thereof, and for deciding contested elections.

Appointment and removal. SEC. 13. To provide, by ordinance, for removing officers of this city for misconduct, and for the appointment of officers, their duty and compensation.

Fines, &c. SEC. 14. To regulate the police of the city and to impose fines, forfeitures and penalties for the breach of any ordinance, and, also, for the recovery and collection of the same, and, in default of payment, to provide for confinement in the city prison, or at hard labor in the city.

Duties and compensation of officers. SEC. 15. To regulate and prescribe the duties and powers and compensation of the officers of the city.

Official bonds. SEC. 16. To require from all officers and servants elected or appointed in pursuance of this charter, bonds and security for the faithful discharge of their duties.

Loans. SEC. 17. To borrow money on the credit of the city, and pledge the revenues and public property for the payment thereof: *Provided*, There shall not be paid, directly or indirectly, a greater rate of interest than ten per centum per; nor shall a greater debt be contracted than twenty-five thousand dollars, unless a two-third majority of the qualified voters of said city, at a poll to be opened for that purpose, shall authorize the same.

SEC. 18. To appropriate money and provide for the payment of the debts and expenses of the city. Appropriations.

SEC. 19. To divide the city into wards and apportion their representatives in the city council according to population. Wards.

SEC. 20. All ordinances of the city shall be passed pursuant to such rules and regulations as the city council may provide; and all ordinances of the city may be proved by the certificate of the clerk, under the seal of the city; and, when printed or published in pamphlet or book form, and purporting to be printed and published by authority of the city, shall be read and received in evidence in all courts and places without further proof. Ordinances, evidence in court.

SEC. 21. The city council shall cause to be published, once in each year, a statement of the receipts and expenditures of the city and a statement of the financial condition of the city. Annual exhibit.

SEC. 22. On the application of the resident owners of more than one half of the lots on any street or part of a street, it shall be lawful for the council to levy and collect a special tax on the owners of the lots on said street or part of a street, according to their respective fronts, for the purpose of grading, paving, planking or otherwise improving such street or part of a street, or for the purpose of grading, paving, planking or otherwise improving the sidewalks of such street or part of a street, and, upon a similar application, to levy and collect a tax, in the same manner, for the purpose of lighting the streets and erecting lamps therein. Levy tax to improve any street, when.

SEC. 23. The council may provide for the improving, ornamenting and protecting the public grounds of the city. Public grounds.

ARTICLE VIII.

SEC. 1. The council of said city are hereby authorized and required, at the expense of said city, to provide for the support of common schools therein. Common schools.

SEC. 2. The city council of said city shall have power and they are hereby authorized to divide the city of Lawrence, by territorial limits, into school districts, in such manner as shall be most convenient, having due regard to the accommodation of all the citizens. School districts.

SEC. 3. The city council are hereby authorized and required to purchase, in fee simple, or to receive as a donation, for the use of the city and at the expense of the same, in each of the school districts, a suitable lot of land, in some central and convenient location, as a site for a school house therein, and, at any time thereafter to cause to be erected thereon a good and substantial school house, and to defray the necessary expenses of the Lots for and building of school houses.

building and construction of said school houses, as, also, to pay the purchase money for the lots of lands on which the same shall be erected. It shall be lawful and the same is hereby made the duty of said city council, annually, to levy or cause to be levied, in addition to the other taxes of the city, a tax not greater than one mill on a dollar, upon all property in said city liable to taxation for city purposes, until a sufficient sum shall be received and collected from such tax to meet the expenses which shall be incurred for the purchase of lots of land, and for the erection of the school houses aforesaid.

Tax for schools.

SEC. 4. That, for the purpose of more effectually supporting common schools in said city, and to secure the benefit and blessing of an education to all the children therein, it shall be the duty of the city council, and they are hereby authorized to levy and collect an annual tax of one mill on a dollar, upon all the property of said city subject to taxation for city purposes, which tax shall be exclusively appropriated to defray all the necessary expenses of said schools.

Free to all children.

SEC. 5. That the said schools, in the several districts of said city, shall, at all times, be equally free and accessible to all the children, not less than six nor more than twenty-one years old, who may reside therein, subject only to such regulations for their government and instruction as the trustees may from time to time prescribe.

Trustees of schools.

SEC. 6. The city council shall appoint three judicious and competent persons, having the qualifications of councilmen, as trustees of common schools, which trustees of common schools shall constitute and be denominated the "Board of Trustees of Common Schools in Lawrence," who shall hold their office for one year and until their successors shall be appointed and qualified.

Trustees have general control.

SEC. 7. Said board shall have general superintendence of all the common schools in said city, and, from time to time, make such regulations for the government and instruction of the children therein as shall appear proper and expedient. They shall appoint and employ the teachers and instructors for the same, and visit each and every such school as often as once in every month; they shall cause a school to be kept in each district for the term of six months at least in each year; they shall certify to the city council the correctness of all accounts and expenses incurred in the support of said schools, and give the teachers employed therein certificates of the amount due for such services; they shall, at the close of every current year, report to the city

Duties.

council the state and condition of the several schools in said city, as well the fiscal as the other concerns in relation thereto, and a particular account of the administration thereof: *Provided*, That no person shall be employed as a teacher in any of said schools, until he or she shall have been first examined by the board of trustees herein mentioned, and have obtained from said board a certificate of qualification as to his or her competency and moral character.

SEC. 8. All moneys levied and collected in said city for the support of common schools shall be paid into the city treasury, which money shall be kept in the city treasury as a separate and distinct fund; and the same shall not be applied, under any pretense whatever, to any other use than that for which it was levied and collected, and separate and particular accounts of the receipts and expenditures thereof shall be kept by the treasurer, in a book to be provided for that purpose.

School moneys separate.

SEC. 9. That it shall be the duty of said board of trustees to examine the qualifications, competency and moral character of all persons desirous of becoming teachers in said schools, or any of them, a majority of whom can grant certificates thereof to such as, in their opinion, may be entitled to receive the same. They shall, from time to time, strictly examine all said schools, the discipline and course of instruction in each, and shall make a report of all their proceedings and of all matter pertaining to the duties of their office, as often as once in each year, to the city council.

Examine candidates for teachers, &c.

SEC. 10. The city council shall fix, by ordinance, such rules and regulations for the government of said schools, under the board of trustees, as may be necessary to carry the provisions of this act fully into effect.

Council to pass laws regulating schools.

SEC. 11. That all acts heretofore passed upon this subject are hereby repealed: *Provided, however*, That all the ordinances and by-laws of said city now in force shall be in force and effect and are hereby confirmed and continued until repealed by the city council.

Acts repealed.

SEC. 12. An election shall be held on the twenty—th of February instant, at such place as shall be designated by the mayor, and under such regulations as shall be prescribed by the city council, at which election all qualified electors of the city shall be entitled to vote; and, at the said election, the votes shall be by ballot, “for” or “against” this charter; and, if a majority of all the votes given shall be for this charter, then this act shall

Election to accept or reject this charter.

take effect on the first Tuesday of May next; but, if a majority of all the votes given shall be against this charter, then this act shall be void.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER CI.

AN ACT to merge the town government of the town of Leavenworth in the county of Leavenworth, with the city government of the city of Leavenworth, and, also, amending the Act incorporating said city.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Township merged
in city.

SECTION 1. The term of office of each of the town officers of Leavenworth township, in the county of Leavenworth, with the exception of the justices of the peace and constables of said township, shall terminate on the fourth Monday of March, 1859; and thereafter there shall not be any township meetings held in said township, and the duties of the various township officers of said township shall be performed by the city officers of the city of Leavenworth, who shall be and they are hereby constituted the township officers of said township, in the manner hereinafter provided.

Who supervisors.

SEC. 2. The mayor and board of councilmen of said city shall be the township board of supervisors of said township, and perform all the duties of township supervisors.

Duty of mayor.

SEC. 3. The mayor of said city shall be chairman of the township board of supervisors of said township, and the mayor and president of the council shall each be entitled to a seat and a vote in the county board of supervisors of Leavenworth county.

Clerk.

SEC. 4. The city clerk of said city shall be and perform the duties of township clerk of said township.

Treasurer's du-
ties.

SEC. 5. The city treasurer of said city shall be and perform the duties of township treasurer of said township, and, in the

performance of his duties, shall be governed by the laws of the Territory. In paying over the taxes by him collected, to the county treasurer, he shall retain in his hands the amount of city taxes, in the manner regulating township taxes. Said treasurer shall receive for his services as township and city treasurer, the fees given by law to township treasurers: *Provided*, That such fees shall not exceed, in the aggregate, one thousand dollars.

SEC. 6. The city assessor of said city shall be and perform the duties of assessor for said township, in the manner provided by law, and shall receive the fees, for his services, given to township assessors. Assessor's duties.

SEC. 7. The present justices of the peace of said township shall hold their several offices until the general election for city officers in the city, in the year 1859, at which time there shall be elected, in the manner provided by law, four justices of the peace for such township, who shall each hold such office for two years. Duties of justices of peace.

SEC. 8. The present constables of said township shall hold their offices until the regular election for city officers in said city, in 1859, at which time there shall be elected, in the manner provided by law, four constables, who shall each hold such office for one year. Constables.

SEC. 9. The present township treasurer of said township is hereby authorized and required to pay over to the city treasurer of said city, such portions of the county and township school taxes of said township, as have been or may be collected by him within the limits of the city of Leavenworth, and the same shall be applied, by the city of Leavenworth, to the support of common schools within said city, in the manner provided by law. Moneys to be paid over.

SEC. 10. That hereafter no county or township school taxes shall be levied or collected within the township and city of Leavenworth, and the said city is hereby exempted from the operation of the general school law of this Territory: *Except and provided*, That such city shall be entitled to her full share of the benefits of the general school fund of this Territory. Taxes not to be levied.

SEC. 11. The board of school trustees for said city shall certify, to the city auditor, the correctness and amount of all accounts allowed by them for the support of common schools, and, also, the amount due teachers for services in said schools; and the auditor shall issue orders on the city treasurer, payable from the school fund, and the mayor and city council shall make the necessary appropriations to pay said orders at once: *Provided*, To be certified to.

That in no case shall the amount of appropriations exceed the amount of school fund actually paid into the city treasury.

Shall not certify
when interested.

SEC. 12. The board of school trustees shall not certify to accounts allowing themselves pay, nor shall they be interested, either directly or indirectly, in any contract for building, or for the purchase or sale of any real estate for school purposes.

Report.

SEC. 13. That the city clerk of the city of Leavenworth is hereby authorized and required to make an annual report to the proper officers of the schools within said city; said report to contain the same matters and be made within the same time as is required by law to be made by the clerks of school districts.

Amount of taxes

SEC. 14. The mayor and city council shall, on or before the fifteenth day of November in each year, ascertain and determine, by an ordinance, the amount of taxes to be levied and collected within said city, for city purposes, in such year, and the city clerk, as township clerk, in making out the annual tax roll for that year for Territorial and county taxes, shall insert in said roll, in a separate column thereon, the amount of city taxes to be collected, and the same shall be collected in the same manner as all other taxes in said tax roll.

Finances.

SEC. 15. That for the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of said city, the mayor and city council, in the manner herein provided, may cause to be collected in each year, in addition to the other taxes of said city, a tax of not more than two mills on the dollar on the assessed value of the real and personal property of said city, which shall be paid into the city treasury, and be applied towards the extinguishment of said bonds and funded debt, and to no other purpose whatever.

Sinks.

SEC. 16. That for the purpose of paying the interest on the public debt of said city, the mayor and city council thereof shall have the power, and it is hereby made their duty, to cause to be collected in each year, a sum sufficient to pay and satisfy the whole of such interest as the same accrues, which sum, when so paid into the city treasury, shall be and remain a specific fund for that purpose only, and shall not be appropriated or used in any other way.

Salaries.

SEC. 17. The amount of compensation to be paid by the city, either directly or indirectly, to any officer, shall not exceed eight hundred dollars per annum, except to the city treasurer, city recorder, city auditor and city engineer, who may be allowed a compensation not exceeding one thousand dollars per annum.

SEC. 18. The corporate authorities of said city shall have power, Borrow money. by ordinance, for the purposes hereinafter mentioned, to borrow money on the credit of the city, and issue the bonds of the city for the same, payable in not more than twenty years from the time of issuing the same, and with interest at a rate not higher than ten per cent. per annum, and, also, the power to sell and negotiate the same on such terms and at such rates as the mayor and city council may deem proper.

SEC. 19. That, for the purpose of taking up such bonds as May negotiate bonds. have heretofore been issued by the said city, and, also, for the purpose of funding the existing indebtedness of said city, other than upon bonds, or raising money with which to pay and discharge such indebtedness, the corporate authorities of said city may issue city bonds, and sell and negotiate the same, as provided in the last section, in any sum and to any amount sufficient for that purpose.

SEC. 20. That the city council of said city shall have power to May sell real estate, when. provide, by ordinance, for the sale of real estate for the non-payment of taxes, or assessments due thereon, and for the time and manner of redemption of the same: *Provided*, That the owner thereof may redeem the same at any time within two years thereafter, by the payment of the full amount of said taxes or assessments, with twenty per cent. penalty; and all taxes and assessments subsequently paid thereon, and all costs and charges thereon, together with fifty per cent. per annum on said taxes, assessments, costs and penalty.

SEC. 21. That the provisions of the preceding section shall be Provisions applicable to taxes unpaid. applicable to all taxes and assessments heretofore levied by said city, which remain unpaid.

SEC. 22. That no assessments shall hereafter be made upon Consent of owners. any of the real property of said city for any improvements of the same, or the streets adjoining the same, without the consent, in writing, of a majority of the resident owners of the real estate upon which such assessment may be levied.

SEC. 23. That the present city marshal shall continue the collection of the city taxes of said city until the fourth Monday in March, 1859, when he shall return to the city treasurer of said city his tax roll, unless said tax roll shall have been sooner returned, in accordance with the ordinances of said city, with his proceedings thereon, as provided by ordinance of said city. Marshal's duties

SEC. 24. That when any bonds shall be issued by the corporate authorities of the city of Leavenworth, under the provi- Bonds negotiable.

sions of the act to which this act is amendatory, such bonds may be negotiated by said city authorities, and sold at a reasonable discount, anything in the act to which this act is amendatory to the contrary notwithstanding.

Vacancies.

SEC. 25. That no member of the city council shall receive any compensation for his services in attending the sitting of the council, and any member that neglects or refuses to attend the meetings of the same for three regular successive meetings of said body, unless sick or absent from the city, shall thereby forfeit his rights of office, and the mayor may issue his proclamation for an election to fill said vacancy.

Repealed.

SEC. 26. That of the act to which this act is amendatory, the following sections are repealed: Article 6, section 3; article 7, section 2; and all other portions of said act in conflict with this act are repealed, so far only as the same are inconsistent with any of the provisions of this act.

SEC. 27. That this act is declared a public act, and shall be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 8, 1859.

S. MEDARY,

Governor.

CHAPTER CII.

AN ACT Incorporating the City of Minneola.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Incorporation.

SECTION 1. That all that territory embraced in the present limits, of the incorporated town of Centropolis, and all that territory embraced in the corporate limits of the town of Minneola, in the county of Franklin, together with the south-east quarter of section thirty, of range nineteen, in township fifteen, shall be known as the city of "Minneola," and by that name shall be known in law, may have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended, in all

courts of law or equity within this Territory or elsewhere ; may ^{Powers.} have and use a common seal, and may alter and change the same at pleasure, and shall have all the powers and privileges usually granted, or, by any law of this Territory, given to incorporated bodies.

SEC. 2. All the powers, privileges, rights and provisions of an ^{Rights conferred.} act entitled "An Act to incorporate the city of Leavenworth," passed at the first session of the Legislative Assembly of the Territory of Kansas, shall be conferred on the said city of Minneola; and the said city of Minneola is hereby authorized and empowered to proceed under the provisions of said charter as fully and absolutely, in all respects, as if the same act specially applied to the said city of Minneola.

SEC. 3. That an election shall be held on the first Monday of ^{Election.} July, A. D. 1859, in the city of Minneola, for a mayor and board of commissioners, [councilmen,] under the provisions of said charter.

SEC. 4. That Jacob A. Marcell, Joab M. Bernard and DeLancey <sup>Judges of elec-
tion.</sup> McConnell are hereby appointed judges of the election, to hold and conduct the same according to the general provisions of the general law governing elections in the Territory, after having given at least ten days' notice of such election, by five written or printed posters, put up at five public places in said city; and such judges shall take an oath faithfully and impartially to dis- ^{Duties.} charge their duties as judges of said election, the returns of which shall be certified to and filed in the office of the probate court; and, if any of said judges shall, from any cause, fail to attend, the judge or judges attending shall supply such vacancy or vacancies.

SEC. 5. This act to take effect and be in force from and after the first day of June, A. D. 1859.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER CIII.

AN ACT to Incorporate the City of Ogden.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Territorial limits

SECTION 1. All that territory, described as follows, to wit: the south-east quarter of the south-east quarter of section one, and the north-east quarter and lot number four of section twelve, in township number eleven, range number six, east of the sixth principal meridian, K. T., and lots number one, two, five and six of section seven, in township number eleven, range number seven, east of the sixth principal meridian, K. T., shall be called and known as the "City of Ogden," and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of, the "City of Ogden."

First election for city officers.

SEC. 2. The first election for choice of officers for organizing the city government of the city of Ogden shall be called by the president of the Ogden Town Association; and the citizens of Ogden, assembled at the time and place of holding said election, shall choose three judges, who shall conduct the same; and such judges shall take an oath, before some authorized person, faithfully and impartially to discharge their duties as judges of election, which shall be certified and filed in the office of the register of the city of Ogden; and such judges shall give to the person elected mayor, and to each person elected councilman, a certificate of his election, copies of which certificates shall be recorded in the office of the register of the city of Ogden, all which filings and records shall be made immediately upon the opening of the office of register of the said city of Ogden.

Provisions of another act conferred.

SEC. 3. All the powers, privileges, rights and provisions of an act passed at the first session of the Legislature of Kansas Territory, entitled "An Act to incorporate the City of Leavenworth," not inconsistent with the provisions of this act, are hereby conferred on the aforesaid city of Ogden, and said city of Ogden is hereby authorized and empowered to proceed under said charter as fully and as absolutely as if the same had been in the same act specially applied to the city of Ogden; except that the mayor shall have resided in said city of Ogden at least twelve months next preceding his election, and shall hold his office for the term of two years, and until his successor be duly elected and qualified, anything in said act to the contrary notwithstanding.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 7, 1859.

S. MEDARY,
Governor.

CHAPTER CIV.

AN ACT to Incorporate the Village of Oskaloosa.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the inhabitants of the town of Oskaloosa, Incorporation. Jefferson county, shall be and the same are hereby incorporated under the name and style of the "Village of Oskaloosa."

SEC. 2. That the limits of said corporation shall be as follows, to wit: Beginning at a point one fourth of a mile east of the center of the public square of said town, running thence south one-fourth of a mile, thence west one mile, thence north one mile, thence east one mile, thence south to the place of beginning. Territorial limit

SEC. 3. The said village of Oskaloosa shall by that name Corporate powers. have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, and in all matters whatsoever; may grant, purchase, receive and hold property, real, personal and mixed, within said village, or may purchase or receive, by donation or otherwise, any amount of land anywhere within three miles of said village; and they may, also, by said name, do all acts as natural persons; may have a common seal, and alter the same at pleasure.

SEC. 4. The corporate powers and authority of said incorporation are hereby vested in a president, clerk and board of trustees. Vested in whom.

SEC. 5. The board of trustees of the village of Oskaloosa Board of trustees. shall consist of five members, who, together with the president, village clerk, village constable, village assessor, village collector

and village treasurer, shall be over the age of twenty-one years, and actual residents of said village, and who shall be elected by the legal voters of said incorporation on the first Monday in April, A. D. 1859, and on the first Monday in April in each succeeding year, at such place as the judges of election hereinafter appointed shall designate, subject, however, to the future action of said board of trustees: *Provided, however, That* the inhabitants of said village of Oskaloosa be notified of such election or elections at least ten days before such election or elections, by five written or printed notices being posted in five public places in said village; at the first election by the said judges of election hereinafter appointed, and at subsequent elections by such person or persons as the board of trustees shall appoint for that purpose.

Judges of election

SEC. 6. Joseph Fitzsimmons, Jesse Newell and G. B. Carson are hereby appointed judges of election at said first election, whose certificates shall be evidence of the election of the officers hereinbefore mentioned, therein stated to be elected to act as such officer until his successor is duly elected and qualified.

Oath of office.

SEC. 7. Each officer duly elected shall, within ten days after being legally notified of his election, and before entering upon the discharge of his duties, take and subscribe an oath, to be indorsed upon the back of the certificate evincing his election, that he will faithfully, and to the best of his ability, discharge the duties of his office, and will, as such officer, support the Constitution of the United States, and each officer herein named shall continue in office until their successors are duly elected and qualified.

Powers of board.

SEC. 8. The board of trustees shall have power to pass all ordinances of every nature necessary for the good of said village, and not inconsistent with the laws or constitution of the United States or the laws of this Territory; to meet at such time and place as they may determine upon; they may also appoint such other officers and agents as they may deem necessary, and provide for the pay of all officers and agents, and prescribe their powers and duties.

President of board has powers of a justice of the peace.

SEC. 9. The president of the board of trustees shall have all the powers and privileges of a justice of the peace, within the corporate limits of said village of Oskaloosa, in all matters arising under the ordinances of said corporation, and he shall sit on the trial of all violations of any of the ordinances, and he shall do and perform all duties under and by virtue of any ordi-

nances which may be prescribed by any ordinance of the board of trustees : *Provided*, That nothing in this act contained shall be construed to give the said president civil jurisdiction.

SEC. 10. In case of a vacancy or absence of any officer herein named, the board of trustees or a majority thereof, shall have power and authority to fill such vacancy temporarily. Vacancies.

SEC. 11. In all elections for trustees, the five persons receiving the highest number of votes shall be declared elected, and all ties may be decided in such manner as may be prescribed by ordinance. Elections for trustees.

SEC. 12. For all elections of village officers subsequent to the first, the board of trustees shall appoint three judges of the election, residents and legal voters of said village, who shall perform the same duties and qualify in the same manner as the judges of election herein appointed. Elections for village officers.

SEC. 13. The board of trustees shall have power by ordinance to levy and collect a tax on all property legally taxable, not to exceed one-half of one per cent. in any one year; and to remove nuisances; to prevent and restrain bawdy, gambling, and other disorderly houses, and to punish by fine the keepers thereof; to prevent or restrain tippling houses, dram shops, ten-pin alleys, or other gambling device, and to prevent by fine the keepers of the same; to regulate circuses, shows, and other amusements; to prevent the discharge of fire-arms in the streets of said village; and to restrain or prevent the running at large of cattle, swine or other animals, within the limits of said corporation; to protect property from fires; to prevent breaches of the peace, and punish the same, and by ordinance to do all other acts necessary for the peace and well being of said village. Power to levy and collect tax, &c.

SEC. 14. In all trials had under the ordinances of the said board of trustees, either party shall, on demand, be entitled to a jury of six persons, good and lawful men, (residents of said village of Oskaloosa,) and also an appeal to the district court for said county, on the like terms and conditions as an appeal may be allowed by law from a justice of the peace. A jury may be had on demand.

SEC. 15. This act to be submitted to the legal voters of said corporation, and upon its receiving a majority of all the votes cast, shall become a law. This act a law when ratified by the people.

SEC. 16. The above named judges of election are hereby authorized and required to post five written or printed notices within the limits of said village, at least five days previous to the election on the acceptance of this act, which said election

shall be held on the third Monday in February, A. D. 1859, at such place as the judges of said election shall designate.

SEC. 17. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 8, 1859.

S. MEDARY,
Governor.

CHAPTER CV.

AN ACT Incorporating the town of Prairie City.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Territorial limits

Style and powers
of incorporation.

SECTION 1. All that territory embraced within the following limits, to wit: the south half of the south-east quarter of section five, the north-east quarter of section eight, and the north half of the south-east quarter of section eight, all in township fifteen, south, range twenty, east, and whatever additions may hereafter be made thereto, shall be and the same is hereby incorporated into a town by the name of "Prairie City," and by that name shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, and in all matters whatsoever; may grant, purchase, hold and sell property, real, personal and mixed, within said town, or may purchase or receive, by donation or otherwise, any amount of land within the limits of said town, for the erection of public buildings for the use of said town, and, also, any amount of land anywhere within five miles of said town necessary for the purpose of a burial ground, and may, in the same name, do all acts as natural persons; may have a common seal, and may alter or change the same at pleasure.

Vested in board
of trustees.

SEC. 2. The corporate powers and authority of said town of Prairie City are hereby vested in a board of trustees, to be called the "Board of Trustees of Prairie City."

SEC. 3. The board of trustees shall consist of five freeholders residing in said town of Prairie City, and shall have authority to pass all ordinances of every nature necessary for the good of the town and not inconsistent with the constitution and laws of the United States and the laws of this Territory.

Powers of board of trustees.

SEC. 4. The board of trustees may appoint a clerk, a marshal, assessor, collector, treasurer, and such other officers and agents as they may deem necessary, and they shall provide for the pay of such officers and agents, and prescribe their powers and duties.

Board to appoint officers.

SEC. 5. There shall be held, on the second Monday in March in the present year, an election for five trustees of said town, and the five persons having the highest number of votes shall be declared elected, and they shall be sworn into office by any person authorized to administer oaths. Said election shall be held at the school house in said town. An election shall be held annually, after the first election on the second Monday of March, for such number of trustees as may be prescribed by ordinance, and all ties may be decided, and all vacancies filled, and all trustees qualified as may be by ordinance provided.

Election for trustees.

SEC. 6. Said board of trustees shall elect one of their number president, and said trustees and all other officers shall hold their office until their successors are elected and qualified.

President of board.

SEC. 7. The president of the board of trustees shall have all the powers of a justice of the peace within the corporate limits of said town, in all matters arising under the ordinances of said town, and he shall do and perform all duties under and by virtue of any ordinance which may be prescribed by said board of trustees: *Provided*, That in case of vacancy or absence of such president of the board, said board may appoint one of their number president *pro tempore*, who shall perform all the duties and exercise all the privileges of such president.

President has powers of a justice of the peace.

SEC. 8. The board of trustees shall have power, by ordinance, to levy and collect a tax on all lawful subjects of taxation, not to exceed one-half of one per cent.: *Provided*, That none of the money so raised by taxation shall be appropriated to the payment of the services of the board of trustees, while acting as such, for three years after the first board shall be qualified; to remove and prevent nuisances; to prevent bawdy houses, gambling houses, and other immoral and disorderly houses; to restrain and prevent gambling; to regulate or prohibit the introduction, sale or giving away of intoxicating liquors of any kind whatso-

Board to levy and collect tax, &c.

ever; to prevent ten-pin alleys, billiard tables, or other gambling devices; to prohibit and prevent the introduction of slaves; to regulate circuses, shows and theatrical amusements; to protect property from fires; to prevent the introduction and spread of diseases; to open and keep in repair all streets and alleys in said town, and to compel the building of such side-walks as may, from time to time, appear necessary, in such manner as may be by ordinance directed.

Taxes for high-ways, &c., may be worked out.

SEC. 9. All taxes for highway purposes, levied upon property within the limits of said town, and all poll taxes on the residents of said town, may be worked on the streets of said town, or on the roads outside of its limits, as the person so liable may direct.

Ordinances to be posted up in public places.

SEC. 10. All ordinances passed by the board of trustees shall be posted in three public places in said town, at least three days before the taking effect thereof.

Judges of first election.

SEC. 11. George Brooke, William Morris and J. H. Dearning shall be the judges of the first election, and, if one or more of said persons are absent or refuse to act at the time of opening the polls of said election, the voters present may fill said vacancy or vacancies. The polls of said election shall be opened at 9 A. M. and closed at 4 P. M.

SEC. 12. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 4, 1859.

S. MEDARY,

Governor.

CHAPTER CVI.

AN ACT to Incorporate the City of Sumner.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas;

Boundaries and corporate privileges.

SECTION 1. All that district of country described as follows, to wit: Beginning at a point in the middle of the Missouri river, directly east of where the north line of section twenty-eight, in

township six, south, range twenty-one, east of the sixth principal meridian, in Kansas Territory, touches said river; thence running westerly on said line to the west line of said township; thence northerly on said township line to the middle of section eighteen; thence easterly, in a direct line, to the middle of the Missouri river; thence southerly, by the middle of said river, to the point of beginning, is hereby erected into a city, by the name of the "City of Sumner," and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the "City of Sumner;" and, by that name, they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in any and all courts of law and equity, and in all actions whatsoever; may contract and be contracted with; may purchase, receive and hold property, both real and personal, within said city, and may sell, lease, convey or otherwise dispose of the same, for the benefit of the city; may purchase, receive, hold, lease or convey property, both real, personal or mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water works, for the establishment of hospitals, poor-houses, workhouses, houses of correction, or for any purpose which may tend to the general good of the city; and may have a common seal and change the same at pleasure.

SEC. 2. The corporate powers and duties of said city shall be vested in a mayor and board of councilmen, to be styled the "City Council of the City of Sumner."

Corporate powers,
how vested.

SEC. 3. The inhabitants of said city, by the name and style aforesaid, shall have power to provide and establish, by ordinance, all necessary organic and municipal laws, rules and regulations, for the government of the inhabitants, and enforcing the same; to pass all ordinances that may be necessary to carry any of the provisions of the charter into effect; to pass any ordinance necessary for the well-being of the inhabitants, and pass and provide for the enforcement of any and all ordinances which may be deemed right and proper, and not inconsistent with the constitution of the United States and the organic act of this Territory.

Make laws and
put them in force.

SEC. 4. The enacting clause of all ordinances shall be: "Be it ordained by the mayor and councilmen of the city of Sumner;" and all ordinances shall be published in such manner as may be provided by ordinance prescribing the same, and no ordinance shall be enforced until so published.

Enacting clause.

Publication of
ordinances.

SEC. 5. All male citizens of the United States, or who have

Qualification of electors.

lawfully declared their intention to become such, who are twenty-one years of age, and who shall have resided within the city limits three months next preceding any city election, shall be deemed qualified electors of said city, in the ward in which they may reside.

ARTICLE II.

Permanent officers of the city.

SEC. 1. The permanent officers of the City of Sumner shall be a mayor, twelve councilmen, city clerk, recorder, marshal, assessor, treasurer, attorney, city engineer, street commissioners, and such other officers as may be created or established by ordinance.

Qualification of officers.

SEC. 2. Any person, possessing the qualifications of an elector, shall be eligible to an election or appointment to any office in said city.

Time and manner of election.

SEC. 3. The regular annual election for officers in said city shall be held on the second Monday in March, and in such manner as may be fixed by ordinance, and at such places as may be designated by the mayor.

What officers chosen.

SEC. 4. At each annual election, there shall be chosen, by the qualified electors of said city, the following officers, to wit: mayor, twelve councilmen, to be elected by wards, as may be established and apportioned by ordinance, city clerk, recorder, marshal, city engineer, assessor, treasurer and street commissioners, and all other officers of the city shall be elected or appointed as may be determined by ordinance. All officers, so elected or appointed, shall hold their offices for one year, and until their successors are elected or appointed, according to law and the provisions of any ordinance or ordinances touching such elections or appointments, unless sooner removed, in such manner and for such offenses as may be prescribed by ordinance.

Term of office.

ARTICLE III.

City Council.

SEC. 1. There shall be in said city a city council, which shall consist of a mayor and board of councilmen, which board shall consist of twelve members, said members to be chosen in the respective wards of the city as they may be apportioned thereto by ordinance.

Wards.

SEC. 2. The said city shall be divided, by ordinance, into not more than six wards, and the number of councilmen in each ward shall be established by ordinance in proportion to the population of said wards respectively.

Vacation by removal.

SEC. 3. If the mayor or any other city officer shall remove from the city, or any councilman or school trustee shall remove

from the ward for which he was elected, his office shall be vacated.

SEC. 4. The city council shall judge of the qualifications, elections and returns of their members, and shall determine all contested elections in such manner as may be regulated by ordinance. Judge of qualifications of members, &c.

SEC. 5. A majority of the city council shall constitute a quorum to do business; but a smaller number may adjourn from time to time, and shall have power to compel the attendance of absent members, under such penalty as may be provided by rules of the city council for their government. Quorum.

SEC. 6. The city council shall have power to determine the rules of its proceedings, punish disorderly conduct, and, with the concurrence of two-thirds of its members, to expel any member. Power to punish and expel members.

SEC. 7. The city council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member, shall be entered in the journal. Shall keep a journal, &c.

SEC. 8. No councilman shall be appointed by the city council to any office under the authority of the city, during the time for which he was elected. Councilmen not to hold certain other offices.

SEC. 9. All vacancies in the city council shall be filled by election by the people. Vacancies.

SEC. 10. The mayor, members of the board of councilmen, and all other officers of the city, whether elected or appointed, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States, the organic law of this Territory, and will faithfully comply with the provisions of this charter, and well and truly perform the duties of their office, impartially and to the best of their skill and abilities. Oath of office.

ARTICLE IV.

SEC. 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote when the councilmen shall be equally divided, and none other; he shall sign all bills before they shall become ordinances, but may refuse or decline to sign any bill which he may deem inexpedient or in violation of any provisions of this charter; and he shall, at or before the next regular meeting of the city council after the passage of such bill, return the same, with his objections thereto in writing; thereupon, the council shall reconsider said bill, and dispose of it by yeas and nays entered upon their journal; and, if a ma- Mayor president of the council—his veto power.

majority of the whole city council shall vote yea on said bill, it shall become an ordinance without the signature of the mayor.

If bill not returned, becomes ordinance.

SEC. 2. If the mayor shall neglect or refuse to return to the council, at its next regular meeting, any bill submitted to him for his signature, it shall become an ordinance without his signature.

Mayor superintend all offices, and see that ordinances are enforced.

SEC. 3. The mayor shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city and this charter are enforced and complied with.

To sign commissions.

SEC. 4. He shall sign the commissions and appointments of all the officers elected or appointed in the city government.

To appoint policemen.

SEC. 5. He shall be a conservator of the peace throughout the city, and, for this purpose, may appoint or dismiss, at pleasure, any number of extra policemen as he may deem proper; and all such acts he shall report to the city council.

Shall recommend measures.

SEC. 6. He shall, from time to time, communicate to the city council such information, and recommend such measures, as, in his opinion, may tend to the improvement of the finances of the city, the police, health, security, ornament, comfort and general prosperity of the city.

Special meetings, how called.

SEC. 7. The mayor, or any seven councilmen, shall have power to call special meetings of the city council, the object of which shall be submitted to the council, in writing; and the call and object, as well as the disposition thereof, shall be entered upon the journal by the clerk.

Special report of officers.

SEC. 8. The mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his account or other papers, and to make report to the council, in writing, touching any subject or matter he may require pertaining to his office.

Mayor to enforce ordinances and have jurisdiction within five miles.

SEC. 9. The mayor shall be active and vigilant in enforcing all laws and ordinances for the government of said city, and he shall cause all subordinate officers to be dealt with promptly for every neglect or for violation of duty; he shall have such jurisdiction as may be vested in him, by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulations thereof.

President of council *pro tem.*

SEC. 10. At the first meeting of the city council after any general election for city officers, the board of councilmen shall elect from their own number a president *pro tem.*, who shall, in the absence of the mayor, preside over the city council.

SEC. 11. When any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, removal from office, refusal to qualify or otherwise, the president of the council for the time being, shall exercise the office of mayor, with all the rights, privileges and jurisdiction of the regular mayor, until such vacancy be filled or such disability removed; or, in case of temporary absence, until the mayor shall return; and, during the time, he shall receive the same compensation that the mayor would have been entitled to; and, in case of such vacancy, other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held, giving ten days' notice thereof by proclamation; and, in case of the absence of the mayor and president of the council, the board of councilmen shall elect one of their own number to exercise the office of mayor, until the vacancy be filled or disability removed, or until the mayor shall return.

President proceeds to act as mayor in his absence.

SEC. 12. The mayor, by and with the advice and consent of the board of councilmen, shall have power to fill all offices within the city which are not ordered by law or ordinance to be elected, and to remove from office any person holding an office created by ordinance.

Appointment and removal from office.

SEC. 13. He shall have power to fill all vacancies in any office, except that of councilman, until the end of the session of the council which shall occur next after such vacancy; to remit fines and forfeitures; to grant reprieves and pardons.

Vacancy provided for.

SEC. 14. The mayor of said city is hereby authorized to administer oaths, to take depositions and acknowledgments of deeds, mortgages and all other instruments of writing affecting the title of real estate, and certify the same under the seal of the city; and the same shall be received as valid throughout the Territory.

To take acknowledgments, &c.

SEC. 15. At the first meeting of the city council after any general election for city officers, they shall cause to be made out and certified by their clerk, the election and qualification of the mayor, and, within ten days thereafter, he shall cause the same to be recorded in the recorder's office in the county, and a neglect of the mayor elect to qualify and cause the same to be recorded for the space of ten days, shall be deemed a refusal to accept.

Certificates of election returns.

SEC. 16. The mayor is hereby authorized to call on every male inhabitant of that city, over eighteen years of age, to aid in enforcing the laws and ordinances of said city, and, in case of necessity, to call out the militia within said city to aid in the suppression of any riot, or in the enforcement of any ordinance;

To summon aid and call out militia, when.

and any person who shall not obey such call, shall forfeit to said city a fine not exceeding five hundred dollars.

ARTICLE V.

Recorder's jurisdiction and powers.

SEC. 1. The recorder shall have criminal jurisdiction of all offenses arising under the ordinances of this city; and the person holding the office of recorder in the city of Sumner, is hereby declared a justice of the peace, and shall have all the powers and jurisdictions of justice of the peace, in civil cases, and jurisdiction in all criminal cases arising within the city.

Preserve peace.

SEC. 2. He shall be a conservator of the peace, and his court shall be open every day, except Sundays, to hear, try and determine all cases wherein a breach of any ordinance of the city is charged, and shall have power to issue all necessary process to bring parties before him forthwith for trial.

Fees.

SEC. 3. He shall be entitled to the same fees as are by law allowed to a justice of the peace.

Appeal.

SEC. 4. In all cases before the recorder, arising under any ordinance of this city, an appeal may be taken on a final judgment, wherein the amount, exclusive of costs, exceeds twenty-five dollars; and in all cases before the recorder, under the laws of this Territory, the same right of appeal as is by law allowed in justices' courts.

Same.

SEC. 5. All appeals from the judgment of the recorder's court, if arising under ordinances of the city, shall be to the proper court of the county; but no such appeal shall be allowed by the recorder, unless the defendant give good and sufficient security, to be approved by the recorder, for the payment of the cost of the said appeal, if it shall be determined against the appellant.

Trial by jury, when.

SEC. 6. Any person brought before the recorder, charged with any offense under the ordinances of this city, wherein the penalty, which may be imposed upon conviction, exceeds fifty dollars, shall be entitled, if he demand it, to a trial by a jury of six citizens of the city: *Provided*, The person, demanding such trial, shall first pay into court the cost of such jury, said cost to be refunded to said person if he shall be acquitted.

How punished.

SEC. 7. Every person convicted before the recorder of any offense, under the ordinances of the city, shall be punished by fine or imprisonment, as may be regulated by ordinance.

Vacancy.

SEC. 8. In case of a vacancy occurring in the office of recorder, by death, resignation or otherwise, or in case of sickness, absence, interest or disability of such recorder to perform his duty, it shall be the duty of any acting justice of the peace of

the township, who may be designated by the mayor, to perform the same during such vacancy, absence or disability.

ARTICLE VI.

SEC. 1. The marshal shall execute, either by himself or deputy, all writs, process and other papers issued by the recorder; he shall, also, have power and authority to serve any and all other writs issued to him by any judicial officers within the city. He is hereby declared a constable, and is hereby vested with all the rights, powers and jurisdiction by law conferred on a constable of a township, and for all services performed by him, shall be entitled to the same fees as are by law allowed to constables. Marshal's duties.

SEC. 2. The marshal shall perform all such duties as are, by ordinance, imposed upon him; he shall be a conservator of the peace; shall be vigilant and active in the suppression of all riots, mobs and disorderly conduct in the city; and, for this purpose, may arrest suspicious or disorderly persons, even without process, and take them before the recorder for trial and examination; he shall have power to commit disorderly persons to the city prison or other place of safe keeping, until examination or trial can be had; and shall be chief of the police of the city, subject to the general control and supervision of the mayor. Same.

SEC. 3. He shall, by virtue of his office, be collector of the taxes, and all revenues within the city, and shall give such bond and security for the performance of his duties as marshal, as may be prescribed by the city council. Be collector of taxes.

SEC. 4. The marshal shall have power to appoint one or more deputies, subject to such regulations as may be prescribed by ordinance. Deputies.

ARTICLE VII.

SEC. 1. The city council shall have power to levy and collect taxes upon all real and personal property, within the limits of the city, for the purpose of general revenue, not to exceed one-half of one per cent. upon the assessed value thereof in each year, in any manner, to be previously provided by ordinance. Taxes.

SEC. 2. To provide for the sale of real estate for the non-payment of any taxes due thereon, and for the time and manner of the redemption of the same: *Provided*, That the owner thereof may redeem the same at any time within two years thereafter, by the payment of the full amount of said tax and all Sale and redemption of property for taxes.

taxes subsequently paid thereon by the purchaser, and all costs thereon, together with twenty-five per cent. per annum thereon.

Poll tax.

SEC. 3. To impose a poll tax, not exceeding one dollar, on all able-bodied male persons over the age of twenty-one and under fifty years of age.

Licenses.

SEC. 4. To levy and collect a license tax on auctioneers, taverns, hawkers, peddlers, dram shops, liquor sellers, pawnbrokers, shows and exhibitions for pay, billiard tables, ball and ten pin alleys, or any number of pins the same may have, hacks, drays, wagons, or other vehicles used within the city for pay, theaters and theatrical exhibitions for pay.

**Tippling houses,
&c.**

SEC. 5. To restrain, prohibit and suppress tippling shops, billiard tables, ten pin alleys, ball alleys, houses of prostitution, and other disorderly houses and practises, gaming and gaming houses, and all kinds of public indecencies, and to prevent swine from running at large.

Quarantine laws.

SEC. 6. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same, within five miles of the city.

Hospitals, &c.

SEC. 7. To erect, establish and regulate hospitals, workhouses and poorhouses, and provide for the government and support of the same.

**Nuisances and
water.**

SEC. 8. To make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water.

Highway powers.

SEC. 9. To open, widen, extend, grade, pave or otherwise improve and keep in repair the streets, alleys, and all public grounds of the city.

Police.

SEC. 10. To establish, regulate, support night watch and police, and define the powers and duties of the same.

**To light the
streets.**

SEC. 11. To provide for lighting the streets and the erection of lamp posts.

Markets.

SEC. 12. To erect and establish market houses and market places, and to regulate and govern the same, and to provide for the erection of all other useful and necessary buildings, for the use of the city.

Census.

SEC. 13. To provide for and cause to be taken the enumeration of the inhabitants.

Elections.

SEC. 14. To provide, by ordinance, for the election of city officers, prescribing the manner of conducting the same, and the returns thereof, and for deciding contested elections.

SEC. 15. To provide for removing officers of this city for mis-

conduct, and for the appointment of officers, their duty and compensation, as provided for in the charter. Appointment and removal.

SEC. 16. To regulate the police of the city, and impose fines, forfeitures and penalties, for the breach of any ordinance, and, also, for the recovery and collection of the same, and, in default of payment, to provide for confinement in the city prison, or at hard labor in the city. Fines, &c.

SEC. 17. To regulate and prescribe the powers and duties and compensation of the officers of the city. Duties and compensation of officers.

SEC. 18. To require from all officers and servants, elected or appointed in pursuance of this charter, bonds and security for the faithful performance of their duties. Official bonds.

SEC. 19. To borrow money on the credit of the city, and pledge the revenues and public property for the payment thereof: *Provided*, There shall not be paid, directly or indirectly, a greater rate of interest than ten per cent. per annum, nor shall a greater debt be contracted than ten thousand dollars, unless a two-thirds majority of the qualified voters, voting at a poll to be opened for that purpose, shall authorize the borrowing of a greater sum of money, or the paying of a greater rate of interest. Loans.

SEC. 20. To appropriate money and provide for the payment of the debts and expenses of the city. Appropriations.

SEC. 21. To divide the city into wards, and to apportion their representation in the city council, according to population. Wards.

SEC. 22. All ordinances of the city shall be passed pursuant to such rules and regulations as the city council may provide, and all ordinances of the city may be proved by the certificate of the clerk under the seal of the city: and when printed or published in book or pamphlet form, and purporting to be printed and published by authority of the city, shall be read and received in evidence, in all courts and places, without further proof. Ordinances, evidence in court.

SEC. 23. The city council shall cause to be published, once in each year, a statement of the receipts and expenditures of the city, and a statement of the financial condition of the city. Annual exhibit.

ARTICLE VIII.

SEC. 1. The city council shall have power to open and widen any street, avenue, alley or lane, at their discretion, at any place within the city, and to create or open any new street, avenue, alley or lane, at their discretion. To open streets, &c.

SEC. 2. When it shall be necessary to take any private property for opening, extending, widening or altering any street, To compensate for public use of private property.

avenue, alley or lane, the city shall make a just compensation therefor, to the person whose property is so taken.

How estimated.

SEC. 3. If the amount of such compensation cannot be agreed upon, the mayor shall appoint six disinterested freeholders of said city, who shall estimate and appraise the amount of such damages.

Same.

SEC. 4. The said jury of freeholders, before entering upon the discharge of their duties, shall each be sworn to impartially assess the amount of said damages, and shall return their inquest, in writing, to the mayor, signed by each juror.

Same.

SEC. 5. In estimating the amount of said damages, the said jurors shall consider the benefit resulting from [to] as well as the loss sustained by the owner.

To levy street tax

SEC. 6. The city council shall have power, by ordinance, to levy and collect a special tax on the real estate lying on any street, avenue, alley or lane, in proportion to the respective value of each piece or parcel thereof, for the purpose of grading, paving, repairing or otherwise improving said street, avenue, alley or lane.

Same.

SEC. 7. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, avenue, alley or lane, according to the respective fronts owned by them, for the purpose of curbing and paving the said sidewalks and lighting such street, avenue, alley or lane, and for the purpose of paving, macadamizing, repairing or otherwise improving said street, avenue, alley or lane.

Exempt from
road tax.

SEC. 8. The citizens of the city of Sumner are hereby exempt from working on any road beyond the city limits and from paying a road tax for the construction of any road without the city limits.

ARTICLE IX.

To provide for
schools.

SECTION 1. The council of said city are hereby authorized and required, at the expense of said city, to provide for the support of common schools therein.

To form school
districts.

SEC. 2. The city council of said city shall have power, and they are hereby authorized, to divide the city of Sumner, by territorial limits, into school districts, in such manner as shall be most convenient, having due regard to the accommodation of all the citizens.

To purchase
school-house sites

SEC. 3. The city council are hereby authorized and required to purchase in fee simple, or to receive as a donation for the use

of said city, and at the expense of the same, in each of the school districts, a suitable lot of land in some central and convenient situation, as a site for a school-house therein; and at any time thereafter to cause to be erected thereon a good and substantial school house; and to defray the necessary expenses of the building and construction of said school houses, as also to pay the purchase money for the lots of land on which the same shall be erected, it shall be lawful, and it is hereby made the duty of the said city council, annually to levy, or cause to be levied, in addition to the other taxes of the city, a tax not greater than one mill on the dollar, upon all property in said city liable to taxation for city purposes, until a sufficient sum shall be raised and collected from such tax to meet the expenses which shall be incurred for the purchase of lots of land, and for the erection of the school houses aforesaid.

SEC. 4. That for the purpose of more effectually supporting common schools in said city, and to secure the benefit and blessings of an education to all the children therein, it shall be the duty of the city council, and they are hereby authorized, to levy and collect an annual tax of one mill on a dollar, upon all the property in said city subject to taxation for city purposes, which tax shall be exclusively appropriated to defray the necessary expenses of said schools. Tax for schools.

SEC. 5. That the said schools, in the several districts of said city, shall at all times be equally free and accessible to all the children not less than six nor more than twenty-one years old, who may reside therein, subject only to such regulations for their government and instruction as the trustees may from time to time prescribe. Free to all children.

SEC. 6. That at the next annual election for city officers in said city, and at each annual election thereafter, the qualified voters of each ward shall elect two judicious and competent persons, having the qualification of councilmen, as trustees of common schools; which trustees, elected as aforesaid, shall constitute and be denominated the board of trustees of common schools in Sumner, who shall hold their office for one year, and until their successors shall be elected and qualified, and fill all vacancies that may occur in their own body, during the time for which they were elected, subject to the confirmation of the city council. Trustees of schools.

SEC. 7. Said board shall have general superintendence of all the common schools in said city, and from time to time make such regulations for the government and instruction of the child- Trustees have general control.

ren therein, as shall appear proper and expedient. They shall appoint and employ the teachers and instructors for the same, and visit each and every such school as often as once in every month. They shall cause a school to be kept in each district for the term of six months, at least, in each year. They shall certify to the city council the correctness of all accounts or expenses incurred in the support of said schools, and give the teachers employed therein certificates of the amounts due for such services. They shall, at the close of every current year, report to the city council the state and condition of the several schools in said city, as well the fiscal as the other concerns in relation thereto, and a particular account of the administration thereof: *Provided*, That no person shall be employed as a teacher in any of said schools, until he or she shall have been first examined by the board of examiners, hereinafter mentioned, and have obtained from said board a certificate of qualifications as to his or her competency and moral character.

School moneys—
how paid.

SEC. 8. All moneys levied and collected in said city for the support of common schools, shall be paid in to the city treasurer, which money shall be kept in the city treasury, as a separate and distinct fund, and the same shall not be applied, under any pretence whatever, to any other use than that for which it was levied and collected, and separate and particular accounts of the receipts and expenditures thereof, shall be kept by the treasurer, in a book to be provided for that purpose.

Quorum.

SEC. 9. A majority of all the members of said board shall constitute a quorum for transacting the business thereof.

Vacancies.

SEC. 10. If any member of said board shall absent himself from the regular meetings of said board for six successive weeks, unless by reason of sickness, or absence from this city, or by consent of said board, his seat shall be declared vacant.

School examiners—
how appointed.

SEC. 11. That it shall be the duty of the city council to appoint five persons, residents and citizens of said city, of competent learning and abilities, as examiners of said schools, and of the qualifications of the teachers thereof, who shall be denominated "The Board of Examiners of Common Schools in Sumner," who shall hold their office for two years; and all vacancies in said board shall be filled by the city council, as they may occur.

Duties.

SEC. 12. That it shall be the duty of said board of examiners to examine the qualifications, competency and moral character of all persons desirous of becoming teachers in said schools, or any

of them, a majority of whom can grant certificates thereof to such as in their opinion may be entitled to receive the same. They shall, from time to time, strictly examine all said schools, the discipline and course of instruction in each, and shall make a report of all their proceedings, and of all matters pertaining to the duties of their office, as often as once in each year, to the city council.

School ordinances

SEC. 13. The said city council shall fix, by ordinance, such rules and regulations for the government of such schools, under the boards of trustees and examiners, as may be necessary to carry the provisions of this act fully into effect.

ARTICLE X.

To take effect—
when.

SEC. 1. The foregoing provisions of this act shall take effect as soon as they shall be accepted by the inhabitants within the limits hereinbefore described, and not before, in manner following, to wit: An election shall be held on the second Monday of March, A. D. 1859, in said town of Sumner, at the post office, at which all electors, who are qualified under the provisions of Art. I, Sec. 6 of this act, shall be entitled to vote; and, at said election, the electors shall vote by ballot “for” or “against” this city charter; and, if a majority of all the votes cast shall be for the city charter, then an election for city officers shall be holden, at the same time and place.

Judges of election

SEC. 2. B. D. Moore, E. P. Lewis and Havier Klein are hereby declared judges of said elections, and T. A. Joslin and H. S. Baker are hereby declared clerks of said elections.

Their duties.

SEC. 3. Said judges shall give to each officer elected at said elections a certificate of his election.

Vacancies—how
filled.

SEC. 4. If any of said judges or clerks shall fail to attend said elections, the electors present shall supply such vacancy, and all votes cast at said elections shall be by written ballots, and the judges and clerks of said elections, before proceeding to the duties of their office, shall take the customary oath.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 8, 1859.

S. MEDARY,

Governor.

CHAPTER CVII.

AN ACT to Incorporate and Establish the City of Wyandott, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

ARTICLE I.

Boundaries.

SECTION 1. That all that district of country described as follows, to wit: Commencing on the eastern boundary of the Territory of Kansas, where the same is intersected by the second standard parallel; thence west on the said parallel line to the north-west corner of section four, township eleven, range twenty-five; thence south to the south-west corner of section nine, township and range aforesaid; thence east to the middle of the Kansas river; thence by the middle of the Kansas and Missouri rivers to the place of beginning, is hereby erected into a city by the name of the city of "Wyandott;" and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the city of "Wyandott," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in any and all courts of law or equity, and in all actions whatsoever; may contract and be contracted with; may purchase, receive and hold property, both real and personal, within said city, and may sell, lease, convey, or otherwise dispose of the same for the benefit of the city; may purchase, receive, hold; lease or convey property, both personal or mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water works, for the establishment of hospitals, poor-houses, work houses, houses of correction, or for any purpose which may tend to the general good of the city; may subscribe to the capital stock of any railroad coming into or going out of said city, and may have a common seal and change the same at pleasure.

Corporate powers.

SEC. 2. That the corporate powers and duties of said city shall be vested in a mayor and board of aldermen, to be styled the "City Council of the city of Wyandott."

Corporate powers defined.

SEC. 3. That the inhabitants of said city, by the name and style aforesaid, shall have power to provide and establish, by ordinance, all necessary organic and municipal laws, rules and regulations, for the government of the inhabitants, and enforcing the same; to pass all ordinances that may be necessary to carry any

of the provisions of this charter into effect; to pass any ordinance necessary for the well-being of the inhabitants, and pass and provide for the enforcement of any and all ordinances which may be deemed right and proper, and not inconsistent with the constitution of the United States and the organic act and laws of this Territory.

SEC. 4. That the enacting clause of all ordinances shall be, Enacting clause.
 "Be it ordained by the mayor and aldermen of the city of Wyandott;" and all ordinances shall be published in such manner as may be provided by ordinance prescribing the same, and no ordinance shall be enforced until so published.

SEC. 5. That all free white male citizens of the United States, Qualified electors.
 or who have lawfully declared their intention to become such, who are twenty-one years of age, and who shall have resided within the city limits three months next preceding any election, shall be deemed qualified electors of said city, in the ward in which they may reside.

ARTICLE II.

SEC. 1. That the permanent officers of the city of Wyandott shall be a mayor, six aldermen, city clerk, marshal, assessor, treasurer, attorney, city engineer, street commissioner, and such other officers as may be created or established by ordinance. Permanent officers.

SEC. 2. That any person, possessing the qualifications of an elector, shall be eligible to an election or appointment to any office in said city, except mayor, who shall have resided in said city one year prior to his election. Qualifications for office.

SEC. 3. That the regular annual election for officers in said city, shall be held at such time and in such manner as may be fixed by ordinance, and at such places as may be designated by the mayor. Annual elections.

SEC. 4. That an election shall be held in said city on the third Tuesday in February, 1859, for the election of the aforesaid officers, at such place and time of day as the inspectors hereinafter named, shall designate, and of which the inspectors shall give at least six days' notice by posting written or printed notices of the same in six different places in said city, and by publishing the same in the city newspapers; said officers to hold their offices until the next annual election. Time and manner of election.

SEC. 5. That Jacob Kerstetter, Daniel Killin and J. M. Funk shall be the inspectors of the first election to be held under this act, on the third Tuesday in February, 1859. Such election shall be held and conducted, and the votes given thereat, can- Inspectors, &c.

vassed by the said inspectors, and the result declared in the manner prescribed in this act for other elections, so far as the same is practicable; and in case any of the above named persons shall be unable or refuse to serve as such inspector, then the remaining persons so named are empowered and required to fill the vacancy caused by such inability or refusal to serve at such election.

What officers
chosen.

SEC. 6. That at each annual election there shall be chosen, by the qualified electors of said city, the following officers, to wit: Mayor, six aldermen,—to be elected by wards as may be established and apportioned by ordinance—city clerk, marshal, city attorney, assessor, treasurer and street commissioner. All other officers of the city shall be elected or appointed, as may be determined by ordinance. All officers, so elected or appointed, shall hold their office for one year, and until their successors are elected or appointed and qualified according to law and the provisions of any ordinance or ordinances touching such elections or appointments, unless sooner removed, in such manner and for such offenses as may be prescribed by ordinance.

ARTICLE III.

Council.

SEC. 1. That there shall be in said city a city council, which shall consist of a mayor and board of aldermen, which board shall consist of six members, said members to be chosen in the respective wards of the city, as they may be apportioned thereto by ordinance.

Wards.

SEC. 2. That the said city shall be divided, by ordinance, into not less than two nor more than six wards, and the number of aldermen to be elected in each ward shall be established by ordinance in proportion to the population of said wards respectively.

Vacation of office.

SEC. 3. That, if the mayor or any other officer of this city shall remove from the city, or any alderman shall remove from the ward from which he was elected, his office shall be thereby vacated.

Powers of council.

SEC. 4. That the city council shall judge of the qualifications, elections and returns of their members, and shall determine all contested elections in such manner as may be regulated by ordinance.

Quorum.

SEC. 5. That a majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and shall have power to compel the attendance of absent members, under such penalty as may be provided by rules of the city council for their own government.

SEC. 6. That the city council shall have power to determine the rules of its proceedings, punish disorderly conduct, and, with the concurrence of two-thirds of its members, to expel any member; but no member shall be expelled a second time for the same offense.

Power to punish and expel members.

SEC. 7. That the city council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member, shall be entered in the journal.

Shall keep a journal.

SEC. 8. That no alderman shall be appointed, by the city council, to any office, under the authority of the city, during the time for which he was elected.

Disqualification of members.

SEC. 9. That all vacancies in the city council shall be filled by election by the people.

Vacancies

SEC. 10. That the mayor, members of the board of aldermen, and all other officers of the city, whether elected or appointed, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States, the organic law of this Territory, and will faithfully comply with the provisions of this charter, and well and truly perform the duties of their office impartially, and to the best of their skill and abilities.

Oath of office.

ARTICLE IV.

SEC. 1. That the mayor shall preside at all meetings of the city council, and shall have a casting vote when the aldermen are equally divided, and none other; shall sign all bills before they shall become ordinances, but may refuse or decline to sign any bill which he may deem inexpedient, or in violation of any provision of this charter, and, upon such refusal, shall, at or before the next regular meeting of the city council, after the passage of such bill, return the same with his objections thereto, in writing; thereupon, the council shall reconsider said bill and dispose of it by yeas and nays, entered upon their journal; and, if a majority of the whole city council shall vote yea on said bill, it shall become an ordinance without the signature of the mayor.

President of the council, his veto power.

SEC. 2. That, if the mayor shall neglect or refuse to return to the council, at its next regular meeting, any bill submitted to him for his signature, it shall become an ordinance without his signature.

If bill not returned, becomes an ordinance.

SEC. 3. That the mayor shall have superintending control of all the officers and affairs of the city, and shall take care that

Mayor's duty.

the ordinances of the city and this charter are enforced and complied with.

To sign commissions.

SEC. 4. That he shall sign the commissions and appointments of all the officers appointed or elected in the city government.

Conservator of the peace.

SEC. 5. That he shall be a conservator of the peace throughout the city, and for this purpose may appoint or dismiss, at pleasure, any extra number of policemen as he may deem proper, and all such acts he shall report to the city council.

Shall recommend measures.

SEC. 6. That he shall, from time to time, communicate to the city council such information, and recommend such measures as, in his opinion, may tend to the improvement of the finances of the city, the police, health, security, ornament, comfort and general prosperity of the city.

Special meetings.

SEC. 7. That the mayor, or any two aldermen, shall have power to call special meetings of the city council, the object of which shall be submitted to the council, in writing, and the call and object, as well as the disposition thereof, shall be entered upon the journal by the clerk.

Special report of officers.

SEC. 8. That the mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers and to make report to the council, in writing, touching any subject or matter he may require, pertaining to his office.

Enforcement of ordinances and quarantine regulations.

SEC. 9. That the mayor shall be active and vigilant in enforcing all laws and ordinances for the government of said city, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; he shall have such jurisdiction as may be vested in him by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulations thereof.

President of city council *pro tem.*

SEC. 10. That, at the first meeting of the city council, after any general election for city officers, the board of aldermen shall elect, from their own number, a president *pro tem.*, who shall, in the absence of the mayor, preside over the city council.

President *pro tem.* acting Mayor.

SEC. 11. That, when any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, removal from office, refusal to qualify, or otherwise, the president of the council, for the time being, shall exercise the office of mayor, with all the rights, privileges and jurisdiction of the regular mayor, until such vacancy be filled or such disability removed; or, in case of temporary absence, until the mayor shall return; and, during the time, he shall receive the same compensation that the mayor would have been entitled to; and, in case of such vacancy, other than a tem-

porary absence or disability, the person exercising the office of mayor shall cause a new election to be held, giving ten days' notice thereof by proclamation.

SEC. 12. That the mayor, by and with the consent and advice of the board of aldermen, shall have power to fill all offices within the city, which are not ordered by law or ordinance to be elected, and to remove from office any person holding an office created by ordinance.

Appointment and removal from office.

SEC. 13. That he shall have power to fill all vacancies in any office except that of aldermen, until the end of the session of the council, which shall occur next after such vacancy; to remit fines and forfeitures, to grant reprieves and pardons.

Fill vacancies.

SEC. 14. That the mayor of said city is hereby authorized to administer oaths, to take depositions and acknowledgments of deeds, mortgages and all other instruments of writing affecting the title of real estate, and certify the same under the seal of the city, and the same shall be received as valid throughout the Territory.

Judicial powers of Mayor.

SEC. 15. That, at the first meeting of the city council, after any general election for city officers, they shall cause to be made out and certified by their clerk, the election and qualification of the mayor, and within ten days thereafter he shall cause the same to be recorded in the recorder's office of the county, and a neglect of the mayor elect to qualify and cause the same to be recorded, for the space of ten days, shall be deemed a refusal to accept.

Certificates

SEC. 16. That the mayor is hereby authorized to call on every male inhabitant of the city, over eighteen years of age, to aid in enforcing the laws and ordinances of the city, and, in case of necessity, to call out the militia within said city to aid in the suppression of any riot, or in the enforcement of any ordinance; and any person who shall not obey such call, shall forfeit to said city a fine not exceeding five hundred dollars.

Enforcement of ordinances.

ARTICLE V.

SEC. 1. That the mayor shall have exclusive original criminal jurisdiction of all offenses arising under the ordinances of this city, and the person holding the office of mayor in the said city of Wyandott, is hereby declared a justice of the peace, and shall have all the powers and jurisdiction of a justice of the peace, in civil cases, and exclusive original jurisdiction in all cases arising within this city.

Criminal jurisdiction of Mayor.

Same.

SEC. 2. That he shall be a conservator of the peace, and his court shall be open every day, except Sundays, to hear, try and determine all cases wherein a breach of any ordinance of the city is charged, and he shall have power to issue all necessary process to bring parties before him, forthwith, for trial; and he is hereby vested with full power and authority to hear, try and determine, according to the laws of the United States or of this Territory, and according to the by-laws and ordinances of the said city, and according to the course of the common law, all actions, personal and mixed, arising within the limits of said city, and to which the said city of Wyandott is a party, and shall have and exercise original jurisdiction in all personal actions and remedies at law, arising within the limits of said city, and to which the said city, in its corporate capacity, is a party plaintiff.

Fees.

SEC. 3. That he shall be entitled to the same fees as, by law, are allowed to a justice of the peace.

Appeals.

SEC. 4. That, in all cases before the mayor, arising under any ordinance of this city, an appeal may be taken on a final judgment, wherein the amount, exclusive of costs, exceeds twenty dollars; and in all cases before the mayor under the laws of this Territory, the same right of appeal as is by law allowed in justices' courts; but no such appeal shall be allowed by the mayor, unless the defendant give good and sufficient security, to be approved by the mayor, for the payment of the costs of said appeal, if it should be determined against the appellant. All appeals from the judgment of the mayor's court, in cases arising under the laws of the Territory, shall be to the higher court of the county, as provided by law.

Fees of officers,
&c.

SEC. 5. That the fees of officers, witnesses and jurors attending the mayor's court, shall be the same as those of justices of the peace.

Jurors.

SEC. 6. That every qualified elector of said city shall be a competent juror in said court, and parties shall have the same right of challenge as is by law given before justices of the peace.

Impannelling ju-
ries.

SEC. 7. That in all cases where a jury may be required by the mayor's court, the same shall be obtained in the same manner, and under the same regulations, as prescribed by law for drawing juries before justices of the peace.

ARTICLE VI.

Marshal's powers
and duties.

SEC. 1. That the marshal shall execute, either by himself or deputy, all writs, process and other papers issued by the mayor; he shall, also, have power and authority to serve any and all writs

issued to him by any judicial officer within the city. He is hereby declared a constable, and is hereby vested with all the rights, powers and jurisdiction by law conferred on a constable of a township, and for all services performed by him shall be entitled to the same fees as are by law allowed to constables.

SEC. 2. That the marshal shall perform all such duties as are, Same. by ordinance, imposed upon him. He shall be a conservator of the peace, shall be vigilant and active in the suppression of all riots, mobs and disorderly conduct in the city, and for this purpose may arrest suspicious or disorderly persons, even without process, and take them before the mayor for trial and examination. He shall have power to commit disorderly persons to the city prison or other place of safe keeping, until examination or trial can be had, and shall be chief of the police of the city, subject to the general control and supervision of the mayor.

SEC. 3. That he shall, by virtue of his office, be collector of the Same. taxes and all revenues within the city, and shall receive such fees and give such bond and security, for the performance of his duties as marshal, as may be prescribed by ordinance.

SEC. 4. That the marshal shall have power to appoint one or Deputies. more deputies, subject to such regulations as may be prescribed by ordinance.

ARTICLE VII.

SEC. 1. That the city council shall have power to levy and col- Taxes. lect taxes upon all real and personal property, within the limits of the city, for the purpose of general revenue, not to exceed one half of one per centum upon the assessed value thereof, in each year, in any manner to be previously provided by ordinance.

SEC. 2. That to provide for the sale of real estate for the non- Delinquent taxes. payment of any taxes due thereon, and for the time and manner of redemption of the same: *Provided*, That the owner thereof may redeem the same at any time within two years thereafter, by the payment of the full amount of said tax and all taxes subsequently paid thereon by the purchaser, and all costs and charges thereon, together with twenty-five per cent. per annum thereon.

SEC. 3. That to impose a poll tax, not exceeding one dollar, Poll tax. on all able-bodied male persons over the age of twenty-one and under fifty years of age.

SEC. 4. That to levy and collect a license tax on auctioneers, License. taverns, hawkers, peddlers, dram shops, liquor sellers, pawn brokers, shows and exhibitions for pay, billiard tables, ball and ten pin alleys or any number of pins the same may have; hacks,

drays, wagons or other vehicles used within the city for pay; theatres and theatrical exhibitions for pay.

Suppressing of
tippling shops,
&c.

SEC. 5. That to restrain, prohibit and suppress tippling shops, billiard tables, ten pin alleys, ball alleys, houses of prostitution and other disorderly houses and practices, gaming and gaming houses, and all kinds of public indecencies.

Quarantine regu-
lations.

SEC. 6. That to make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

Hospitals.

SEC. 7. That to erect, establish and regulate hospitals, work houses and poor houses, and provide for the government and support of the same.

Sanitary laws.

SEC. 8. That to make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water.

Repair of streets,
&c.

SEC. 9. That to open, widen, extend, grade, pave or otherwise improve and keep in repair the streets, alleys and public grounds of the city, and to repair and keep in order all roads leading into or out of the city, for the distance of five miles from the boundary line thereof.

Police regula-
tions.

SEC. 10. That to establish, regulate and support night watch and police, and define the powers and duties of the same.

Lighting the
streets.

SEC. 11. That to provide for lighting the streets and erection of lamp posts.

Market houses.

SEC. 12. That to erect and establish market houses and market places, and to regulate and govern the same, and to provide for the erection of all other necessary and useful buildings for the use of the city.

Census.

SEC. 13. That to provide for and cause to be taken the enumeration of the inhabitants.

Elections.

SEC. 14. That to provide, by ordinance, for the election of city officers, prescribing the manner of conducting the same and the returns thereof, and for deciding contested elections.

Appointments
and removals.

SEC. 15. That to provide for removing officers of the city for misconduct, and for the appointment of officers, their duty and compensation, not provided for in this charter.

Fines, &c.

SEC. 16. That to regulate the police of the city, and to impose fines, forfeitures and penalties for the breach of any ordinance, and, also, for the recovery and collection of the same; and, in default of payment, to provide for confinement in the city prison, or to hard labor in the city.

Officers' compen-
sation, powers,
&c.

SEC. 17. That to regulate and prescribe the powers and duties and compensation of the officers of the city.

SEC. 18. That to require from all officers and servants elected or appointed in pursuance of the charter, bonds and security for the faithful performance of their duties.

Bonds.

SEC. 19. That to borrow money on the credit of the city, and pledge the revenue and public property of the city for the payment thereof: *Provided*, That there shall not be paid, directly or indirectly, a greater rate of interest than ten per cent. per annum; nor shall a greater debt be contracted than twenty-five thousand dollars, unless two-thirds of the votes cast by the qualified voters of said city, at a poll to be opened for that purpose, shall authorize the same.

Credit bonds, how issued.

SEC. 20. That to appropriate money and provide for the payment of the debts and expenses of the city.

To make appropriation.

SEC. 21. That to divide the city into wards and to apportion their representation, in the city council, according to population.

To apportion the city.

SEC. 22. That all ordinances of the city shall be passed pursuant to such rules and regulations as the city council may provide; and all ordinances of the city may be proved by the certificate of the clerk, under the seal of the city; and, when printed or published in book or pamphlet form, and purporting to be printed and the same published by authority of the city, shall be read and received in evidence in all courts and places without further proof.

Authentication and printing of ordinances.

SEC. 23. That the city council shall cause to be published, once in each year, a statement of the receipts and expenditures of the city and a statement of the financial condition of the city.

To publish annual statement.

ARTICLE VIII.

SEC. 1. That the city council shall have power to extend, open and widen any street, avenue, alley or lane, at their discretion, at any place within the city, and to create or open any new street, avenue, alley or lane, at their discretion.

To open streets.

SEC. 2. That when it shall be necessary to take any private property for opening, extending, widening or altering any street, avenue, alley or lane, the city shall make a just compensation therefor to the person whose property is so taken.

To take private property for public use.

SEC. 3. That, if the amount of such compensation cannot be agreed upon, the mayor shall appoint six disinterested freeholders of said city, who shall estimate and appraise the amount of said damages.

To compensate for same, how.

SEC. 4. That the said jury of freeholders, before entering upon the discharge of their duties, shall each be sworn to impartially

Same.

assess the amount of said damages, and shall return their inquest, in writing, to the mayor, signed by each juror.

Same.

SEC. 5. That in estimating the amount of said damages, the said jurors shall consider the benefit resulting from [to,] as well as the loss sustained by the owner thereof.

Special highway
tax.

SEC. 6. That the city council shall have power, by ordinance, to levy and collect a special tax on the real estate, lying in any street, avenue, alley or lane, in proportion to the respective value of each piece or parcel thereof, for the purpose of grading, paving, repairing or otherwise improving said street, avenue, alley or lane.

Same.

SEC. 7. That the city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots, in any street, avenue, alley or lane, according to the respective fronts owned by them, for the purpose of curbing and paving the sidewalks, and lighting such street, lane, avenue or alley, and for the purpose of paving, macadamizing, repairing or otherwise improving said street, avenue, lane or alley.

ARTICLE IX.

To provide for
common schools.

SEC. 1. That the council of said city are hereby authorized and empowered, at the expense of said city, to provide for the support of common schools therein.

To lay off school
districts.

SEC. 2. That the city council of said city shall have power and they are hereby authorized to divide the city of Wyandott, by territorial limits, into school districts, in such manner as shall be most convenient, having due regard to the accommodation of all the citizens.

To purchase
school sites.

SEC. 3. That the city council are hereby authorized and empowered to purchase, in fee simple, or to receive as a donation, for the use of said city and at the expense of the same, in each of said school districts, a suitable lot of land, in some central and convenient situation, as a site for a school house therein, and, at any time thereafter, to cause to be erected thereon a good and substantial school house, and to defray the necessary expenses of the building and construction of said school houses, as, also, to pay the purchase money for the lots of land on which the same shall be erected. It shall be lawful for the said city council, annually, to levy or cause to be levied, in addition to the other taxes of the city, a tax not greater than one mill on the dollar, upon all property in said city liable to taxation for city purposes, until a sufficient sum shall be raised and collected from such tax to meet

the expenses which shall be incurred for the purchase of lots of land, and for the erection of the school houses aforesaid.

SEC. 4. That, for the purpose of more effectually supporting common schools in said city, and to secure the benefit and blessing of an education to all the children therein, the city council are hereby authorized to levy and collect an annual tax of two mills on a dollar, upon all the property in said city subject to taxation for city purposes, which tax shall be exclusively appropriated to defray the necessary expenses of said schools. To levy school tax.

SEC. 5. That said schools, in the several districts of said city, shall, at all times, be equally free and accessible to all the children, not less than five nor more than twenty-one years old, who may reside therein, and subject only to such regulations for their government and instruction as the trustees, hereinafter mentioned, may, from time to time, prescribe: *Provided*, That nothing in this act contained shall be so construed as to permit black or mulatto persons to attend said school, or either of them, or to receive instruction therein; but all taxes assessed on the property of black or mulatto persons in said city, for school purposes, shall be appropriated as the trustees, hereinafter mentioned, may direct, for the education of black or mulatto persons in said city, and for no other purpose whatever. Schools to be free.

SEC. 6. That, at the next annual election for city officers in said city, and at each annual election thereafter, the qualified voters of each ward shall elect two judicious and competent persons, having the qualifications of aldermen, as trustees of common schools, which trustees, elected as aforesaid, shall constitute and be denominated the "Board of Trustees of Common Schools in Wyandott," who shall hold their office for one year and until their successors shall be elected and qualified, and fill all vacancies that may occur in their own body during the time for which they shall be elected, subject to the confirmation of the city council. School trustees.

SEC. 7. That said board shall have general superintendence of all the common schools in said city, and, from time to time, make such regulations for the government and instruction of the children therein as shall appear proper and expedient. They shall appoint and employ the teachers and instructors for the same, and visit each and every such school as often as once in every month; they shall cause a school to be kept in each district, at such time and for such term as may hereafter be prescribed by ordinance; they shall certify to the city council the correctness Same.

of all accounts for expenses incurred in the support of said schools, and give the teachers, employed therein, certificates of the amount due for such services ; they shall, at the close of every current year, report to the city council the state and condition of the several schools in said city, as well the fiscal as the other concerns in relation thereto, and a particular account of their administration thereof: *Provided*, That no person shall be employed as a teacher in any of said schools, until he or she shall have been first examined by the board of examiners hereinafter mentioned, and have obtained from said board a certificate of qualifications as to his or her competency and moral character.

School fund kept
separate.

SEC. 8. That all money levied and collected in said city for the support of common schools shall be paid into the city treasury, which money shall be kept in the city treasury as a separate and distinct fund ; and the same shall not be applied, under any pretense whatever, to any other use than that for which it was levied and collected, and separate and particular accounts of the receipts and expenditures thereof shall be kept by the treasurer, in a book to be provided for that purpose.

Quorum of school
board.

SEC. 9. That a majority of all the members of said board shall constitute a quorum for transacting the business thereof.

Vacancies in
same.

SEC. 10. That, if any member of said board shall absent himself from the regular meetings of said board for six successive weeks, unless by reason of sickness or absence from the city, or by consent of said board, his seat shall be declared vacant.

School examiners.

SEC. 11. That it shall be the duty of the city council to appoint five persons, residents and citizens of said city, of competent learning and abilities, as examiners of said schools, and of the qualifications of the teachers thereof, who shall be denominated "The Board of Examiners of Common Schools in Wyandott," who shall hold their office for two years ; and all vacancies in said board shall be filled by the city council, as they may occur.

Examine candi-
dates for teachers,
&c.

SEC. 12. That it shall be the duty of said board of examiners to examine the qualifications, competency and moral character of all persons desirous of becoming teachers in said schools, or any of them, a majority of whom can grant certificates thereof to such as, in their opinion, may be entitled to receive the same. They shall, from time to time, strictly examine all said schools, the discipline and course of instruction in each, and shall make a report of all matters pertaining to the duties of their office, as often as once in each year, to the city council.

SEC. 13. That the said city council shall fix, by ordinance, such rules and regulations for the government of said schools, and for the duties of the boards of trustees and examiners, as may be necessary to carry the provisions of this act fully into effect. School laws.

SEC. 14. That all acts and parts of acts now in force, inconsistent with any of the foregoing provisions, are hereby repealed, and declared inoperative and void, so far as they apply to the inhabitants of the town of Wyandott. Acts repealed

SEC. 15. That all ordinances and by-laws of the inhabitants of the town of Wyandott, shall be and remain in full force and effect until the same are repealed by ordinance or otherwise, under the provisions of this act; and that all officers now acting under the provisions of the said incorporation, shall hold their respective offices, until the officers provided for by this act are elected and qualified. Continuing in force laws till repealed.

SEC. 16. That all the rights, privileges and immunities accruing to the said inhabitants of the town of Wyandott, under their present incorporation, shall be and are hereby vested in the said city of Wyandott, and that all debts and liabilities now due or hereafter to become due against the said incorporation of the inhabitants of the town of Wyandott, shall be assumed and paid by said city of Wyandott. Vesting town privileges in city.

SEC. 17. That, upon the election and qualification of the officers under the provisions of this act, it shall be the duty of the officers holding offices under the provisions of the act incorporating the said inhabitants of the town of Wyandott, to deliver to the mayor elected and qualified under the provisions of the act, all moneys, books, papers, accounts and other property belonging to the said incorporation, in their hands or under their control. Assumption of debts by city.

SEC. 18. That this act is hereby declared a public act, and shall be in full force and effect from and after its passage. Surrendering books, moneys, &c.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved January 29, 1859.

S. MEDARY,

Governor.

CHAPTER CVIII.

AN ACT to amend an act entitled "An Act to Incorporate the City of White Cloud."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Provisions of another act conferred.

SECTION 1. That all the powers, privileges, rights and provisions of an act passed at the Legislative Assembly in 1855, entitled "An Act to Incorporate the City of Leavenworth, Kansas Territory," be and the same are hereby conferred on the city of White Cloud, and said city is authorized and empowered to proceed under the provisions of said charter as fully and absolutely as if the same had been originally granted to said city of White Cloud.

City Council consist of five members.

SEC. 2. That so far as section three in the Leavenworth charter applies to the city of White [Cloud,] shall be and hereby is so amended that the city council shall consist of five members.

Power to levy taxes not exceeding one per cent.

SEC. 3. That so far as section eleven of the Leavenworth charter applies to the city of White Cloud, shall be and is hereby so amended that the mayor and board of councilmen shall have power by ordinance to levy and collect taxes, not exceeding one per cent., upon real and personal property within the limits of said city.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 2, 1859.

S. MEDARY,

Governor.

CHAPTER CIX.

AN ACT Incorporating the City of Quindaro.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

ARTICLE I.

SECTION 1. That all the district of country, described as follows, to wit: commencing at the south-west corner of the south-east quarter of section thirty-six, township ten, range twenty-five, east; thence east two and one-half miles, to the south-east corner of section thirty-two; thence north about two miles, to the middle of the Missouri river; thence up along the middle of said river, to a point due north of the place of beginning; thence south to the place of beginning, is hereby created into a city, by the name of the "City of Quindaro," and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the "City of Quindaro," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued in all courts of law or equity, and in all actions whatsoever; may purchase, receive and hold property, both real and personal, within said city, and may sell, lease, convey or otherwise dispose of the same for the benefit of the city; may purchase, lease or convey property, both real or mixed, beyond the limits of the city, to be used for the burial of the dead, or for any purpose which may tend for the general good of the city; and may have a common seal, and change the same at pleasure.

Boundaries and corporate powers.

SEC. 2. That the corporate powers and duties of said city shall be vested in a mayor and a board of six councilman, to be styled the "Common Council of the City of Quindaro."

Corporate powers how vested.

SEC. 3. That said corporation shall have power to provide and establish by ordinance all necessary municipal laws, rules and regulations, for the government of the inhabitants, and enforcing the same; to pass all ordinances necessary to carry the provisions of this charter into effect, for the well being of the inhabitants, and have full power to pass and provide for the enforcement of all ordinances which may be deemed right and proper, and not inconsistent with the constitution of the United States and the organic act of this Territory.

Power to establish laws, &c.

SEC. 4. That the enacting clause of all ordinances shall be, "Be it ordained by the mayor and councilmen of the city of Quin-

Enacting clause.

Ordinances published.

daró," and all ordinances shall be published in such manner as may be provided by ordinance, before the enforcement of such ordinances.

Qualifications of voters.

SEC. 5. That all free white male citizens of the United States, or who have lawfully declared their intention to become such, who are twenty-one years of age, and who shall have resided within the city limits three months next preceding any election, shall be deemed qualified electors of said city in the ward in which they reside.

ARTICLE II.

Permanent officers.

SEC. 1. That at each annual election there shall be chosen, from among the qualified electors, the following officers, to wit: mayor, six councilmen, city clerk, who shall be *ex-officio* assessor, and a treasurer, who shall be *ex-officio* receiver of taxes and assessor; recorder, who is hereby declared a justice of the peace; city attorney, and such other officers as may be created by ordinance, who shall hold their respective offices for one year, or until their successors are elected or appointed and qualified according to law.

ARTICLE III.

Oath of office.

SEC. 1. That every officer of the city, before entering on the duties of his office, shall take and subscribe an oath that he will support the constitution of the United States, the organic law of this Territory, and will faithfully comply with the provisions of this charter, and well and truly perform the duties of his office, impartially and to the best of his skill and abilities.

Office vacant when.

SEC. 2. That, if any officer of the city shall remove beyond its limits, his office shall be thereby vacated, and all vacancies shall be filled by special election, to be provided by ordinance.

Mayor president of council.

SEC. 3. That the mayor shall preside at all meetings of the common council, and shall have a casting vote only; he shall sign all bills before they shall become ordinances, by the next meeting of the common council, or return them, with his objections thereto; and, in case of neglect so to return, the same shall become an ordinance without his signature; if returned without his approval, the council may pass the same, after a reconsideration, by a two-thirds vote; he shall have power to administer oaths, take depositions and acknowledgments of all instruments of writing, and certify the same under the city seal, and the same shall be received as valid throughout the Territory.

Power committatus.

SEC. 4. That the mayor is hereby authorized to call on every

male inhabitant of the city, over eighteen years of age, to aid in enforcing the laws and ordinances of said city, and shall cause all officers of the city to be dealt with promptly for any violation or neglect of duty.

ARTICLE IV.

SEC. 1. That the common council shall have power to levy Taxes. and collect taxes on all real and personal property within the limits of the city, for the purpose of a general revenue, not to exceed one-half of one per cent. on the assessed value thereof, in each year, in any manner to be previously provided by ordinance, and is hereby constituted the board of equalization of assessment.

SEC. 2. That to provide for the sale of real estate, for the non-payment of taxes due thereon, and for the time and manner of its redemption: *Provided*, That the owner thereof may redeem the same at any time within ten years thereafter, by the payment of the full amount of said tax, and all taxes subsequently paid thereon by the purchaser, and all costs and charges thereon, together with twenty-five per cent. per annum thereon. Sale of property for non-payment of taxes.

SEC. 3. That to impose a poll tax not exceeding two dollars on all able-bodied male persons over the age of twenty-one years. Poll tax.

SEC. 4. That to lay out, widen, extend, grade, pave or otherwise improve and keep in repair the streets, alleys, public grounds, side-walks and foot-ways of the city, and cause the expense thereof to be levied on the property deemed benefited thereby. Lay out, and keep in repair streets, &c.

SEC. 5. That to levy and collect a license tax on auctioneers, taverns, hawkers, peddlers, dram shops, liquor sellers, shows and exhibitions for pay, billiard tables, ball and ten-pin alleys, hacks, drays or other vehicles used within the city for pay. License tax.

SEC. 6. That to restrain and suppress tippling shops, billiard tables, ten-pin alleys, ball alleys, houses of prostitution, and other disorderly houses or practices, gaming and gaming houses, and all kinds of public indecencies. Restrain improprieties.

SEC. 7. That to provide for the lighting of streets and the erection of lamp posts. Lighting streets.

SEC. 8. That to borrow money on the credit of the city, for any improvement or enterprise in which the city may be interested, and pledge the revenue and public property of the city for the payment thereof: *Provided*, That there shall not be paid, directly or indirectly, a greater rate of interest than ten per cent. per annum; nor shall a greater debt be contracted than ten thou- Make loans.

and dollars, unless a two-thirds majority of the qualified voters of said city, at a poll to be opened for that purpose, shall authorize the same.

Ordinances when
evidence.

SEC. 9. That all ordinances of the city may be proved by the certificate of the clerk, under the seal of the city; and when printed and published by authority of the city, shall be read and received in evidence in all courts and places, without further proof.

ARTICLE V.

Council subscribe
stock, when.

SEC. 1. That the common council shall have power to subscribe stock on behalf of said city, in railroads, turnpikes and bridges, in which said city may be interested, and issue the bonds of the city therefor, in such manner and on such time as may be provided by ordinance: *Provided*, That in no event shall such subscription or subscriptions exceed the sum of ten per cent. on the assessed value of the property, real and personal, in said city; nor shall such subscription be made unless previously sanctioned by a two-thirds vote of the qualified electors, cast at an election provided by ordinance for that purpose.

ARTICLE VI.

Commissioners of
common schools.

SEC. 1. That the mayor and common council of the city are hereby created and constituted "Commissioners of Common Schools" therein, and they are hereby authorized to levy and collect a tax on the real and personal property in said city, not exceeding two mills on a dollar, and appropriate and expend the same for school purposes, in such manner as may be provided by ordinance; and all schools thus established shall be free to all white children between the age of five and eighteen years, residing within their respective districts: *Provided*, The term white shall not be held to exclude children of Indian blood.

Taxes on colored
persons.

SEC. 2. That all taxes assessed upon the property of persons of African descent, for school purposes, shall be appropriated exclusively for the education of black or mulatto children.

MISCELLANEOUS PROVISIONS.

Judges of first
election.

SEC. 1. That for the purposes of the first election, M. B. Newman, George Bodenburg and Alfred Robinson, or a majority of them, are hereby constituted judges of election. In case of absence, or refusal to serve, the voters at the polls, at the hour of opening, shall fill such vacancy *viva voce*.

Place of election
and notice given.

SEC. 2. That the first election shall be held at such time and place as said judges of election shall designate by proclamation

or notice, posted up in at least ten public places in the city, and not less than five nor more than ten days previous to said election, and all subsequent general elections shall be held annually thereafter, on the first Tuesday of February, in such manner as may be provided by ordinance. The person or persons receiving the greatest number of votes shall be declared elected.

SEC. 3. That farm lands in said city shall be assessed only as such; no supposed value shall attach to them except for farming purposes. Farm lands taxed how.

SEC. 4. That an act entitled "An Act incorporating the City of Quindaro," approved February 9, 1858, is hereby repealed. Act repealed.

SEC. 5. That this act to take effect from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved January 25, 1859.

S. MEDARY,
Governor.

CHAPTER CX.

AN ACT supplemental to "An Act Incorporating the City of Quindaro."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the words "range twenty-five, east," be and the same be stricken out, and the words "range twenty-four, east," be inserted in lieu thereof, in the first section of the act to which this is an amendment. Alteration of former act—Sec. 1.

SEC. 2. That the word "ten" in section two of article fourth be altered to "two," and this act shall be in force from and after its passage. Same in Sec. 2.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 8, 1859.

S. MEDARY,
Governor.

CHAPTER CXI.

AN ACT to Incorporate the Americus Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of Corporators.

SECTION 1. That Arthur I. Baker, David Swim, Elisha Goddard, Wesley Thompson, Elijah Yeakley, Eli M. Sewell, Thomas C. Hill, Swisher Rees, R. Wright, John Moser, William Grimsley, George H. Rees, Christopher Columbia, their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the "Americus Town Company," and by that name shall be known in law; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of defending and being defended, in all courts of law and equity in this Territory or elsewhere. Said company are hereby authorized to have and to use a common seal, and to alter or change the same at pleasure, and to make, from time to time, such by-laws and regulations as may be deemed necessary for the government of said company and the management of its affairs.

Powers.

Purchase, hold and convey land.

SEC. 2. That the company hereby created shall have power to purchase and to hold any quantity of land in the county of Breckenridge, where the town of Americus is now located, not to exceed six hundred and forty acres, and to lay off the same into blocks, parks, market-places, squares, avenues, streets and lanes, and to use, dispose of and convey the same by deed.

Former conveyances valid.

SEC. 3. All deeds, conveyances and transfers heretofore made of any town lots or other pieces or parcels of land in the said town of Americus, or other instrument of writing, whereby the same may be in any way affected in law or equity, signed by the president and secretary of said company, shall be understood to convey to the grantee all the right, title, interest and claim which the grantor had of and in said lots, pieces or parcels of land, at the time of such conveyance, and, also, all the title which he or they shall subsequently acquire by virtue of a title to the town site of said town of Americus, issuing from the United States.

SEC. 4. All deeds, for the conveyance of said estate by the company, shall be signed by such officers as said company by by-laws may designate, and, when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and

authentication of such deed, in all courts of this Territory or elsewhere.

SEC. 5. That the stock of said company shall be deemed personal property, and said company may prescribe rules for the transferring of the same by individual stockholders. Stock personal property.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER CXII.

AN ACT to Incorporate the Council Grove Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. T. S. Huffaker, M. Conn, C. Columbia, H. Northrop, S. N. Hays, E. Mosier and such other persons as now are or hereafter may be associated with them, shall be and they are hereby constituted a body politic and corporate, by the name of the "Council Grove Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters and courts whatsoever. Said company is hereby authorized to have and use a common seal, and change the same at pleasure. Names of corporators.
Powers.

SEC. 2. Said company shall be authorized to purchase and hold, to dispose of and convey, by deed or otherwise, any quantity of land not exceeding six hundred and forty acres, where the town of Council Grove is now located, and to lay the same off into blocks, lots, streets and parks, and, also, shall be authorized to receive, hold, sell and convey any other property, real, personal or mixed, that may be devised or given to said company. Purchase, held and convey land.

SEC. 3. The stock of said company shall be deemed personal property, and may be divided into such number of shares as said company may determine, and the said company may, from time Stock personal property.

to time, prescribe and enact such rules and by-laws for the issuing and transferring of said stock, and for the government and management of the affairs of said company, as they may deem necessary and requisite.

Power to pass
by-laws, &c.

SEC. 4. The said company shall have power to pass by-laws for the election of officers at such time as may be necessary to carry out the business of said company, and all deeds for the conveyance of real estate of said company shall be signed by the said officers of said company, as the by-laws of the said company shall designate, which deeds shall be duly signed, sealed and acknowledged as other conveyances of real estate, and, when so signed and acknowledged, shall be deemed and held sufficient execution and authentication of said deeds in all courts in this Territory or elsewhere.

Erect buildings.

SEC. 5. Said company shall have power to erect buildings for dwellings, manufactures and machinery, and such other improvements as may tend to promote the interests of the company and the general prosperity of the town, not inconsistent with the constitution and laws of the United States or this Territory.

Stock personal
property and
transfer of same.

SEC. 6. The stock of the same shall be deemed personal property, and the said company may, by by-laws, prescribe for the issuing of said stock, and transferring of the same by each individual stock-holder.

Assess stock.

SEC. 7. Said company shall have the power to issue [assess] the stock of said company to pay for land, or any part thereof, or the erection of such buildings as they may determine to erect; and, if said assessment is not paid within thirty days after the party shall have been duly notified according to the by-laws of said company, the officers of said company may proceed immediately to sell such stock for the payment of such assessment or tax.

SEC. 8. This act shall take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER CXIII.

AN ACT Incorporating the El Paso Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That J. H. Turney, Robert B. Willis, William O'Donnall, A. W. Murphy, H. E. Hunt, Wm. J. Boyer, W. H. Green, J. T. Younker, J. H. Munde, D. W. McCallen, Geo. Peck, L. J. Winchester, and their associates and successors, are hereby constituted a body corporate and politic, under the name and style of the "El Paso Town Company," and by that name and style shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and change the same at pleasure, and to make such by-laws as may be necessary for the requirement [government] of said company and the management of its affairs.

Names of corporators.

Powers.

SEC. 2. The corporation hereby created shall have power to purchase, hold and enter, by pre-emption or otherwise, any quantity of land not exceeding six hundred and forty acres, where the town of El Paso is now located, near Pike's Peak, in the county of El Paso, and Territory of Kansas, and to lay off the same into streets, lots, blocks, parks and alleys, and convey the same by deed or otherwise.

Purchase, hold and convey land.

SEC. 3. The said company shall have power to pass by-laws providing for the election of such officers, at such time or times as may be necessary to carry out the business of said company; deeds and all conveyances of real estate of said company shall be signed by such officers of said company as said by-laws shall designate; which conveyances shall be duly executed and acknowledged, and, when so executed and acknowledged, shall be deemed good and valid conveyances.

Power to pass by-laws, &c.

SEC. 4. The stock in said company shall be deemed personal property, and the company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

Stock personal property.

SEC. 5. That the said company shall, also, have power to construct and maintain courses, sluices, ditches and other contrivances for mining purposes, and may dispose of interests in the same; said privileges, however, only to be used upon land held by said company.

Power to construct mining conveniences.

SEC. 6. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY,
Governor.

CHAPTER CXIV.

AN ACT to Incorporate the Farmington Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corpor-
ators.

SECTION 1. That R. C. Perham, Josiah Perham, J. M. Knight, Chas. S. Perham, John E. Perley, B. H. York, John H. Bass, Samuel Colcord, Gould Perham, Joseph Perham, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the "Farmington Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory or elsewhere. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

Power to pur-
chase, hold and
convey land.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, the following described quarter sections of land, on which the town of Farmington is now located, to-wit: the north-west quarter of section number twenty-six, and the north-east quarter of section number twenty-seven, all of township number one, range number twelve, east, in the county of Nemaha, Territory of Kansas, and to lay the same off in lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

Power to pass by-
laws, &c.

SEC. 3. The said company shall have power to pass by-laws

for the election of officers, at such time as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate; which deeds shall be duly signed and acknowledged as other conveyances of real estate, and, when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

SEC. 4. The above named persons will have the power to direct the trustees of the present existing town company of Farmington to make an assignment to the company, of the property held by them in trust, for the benefit of the respective shareholders; after which, the business affairs of the company will be managed and governed by a vote of a majority in interest.

Affairs governed
by a majority—
when.

SEC. 5. The stock of the said company shall be deemed personal property, and the said company may, by by-laws, prescribe for the issuing of stock, and transferring of the same by each individual stockholder.

Stock person
property.

SEC. 6. *Provided*, That nothing herein contained shall be construed to conflict with the act of Congress in relation to town sites.

SEC. 7. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 8, 1859.

S. MEDARY,
Governor.

CHAPTER CXV.

AN ACT to Incorporate the Town of Forest Hill.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. All that territory embraced within the following

Boundaries.

quarter sections of land, to-wit: the south-east quarter of section eleven, and the south-west quarter of section twelve, of township nineteen, range twelve, east of sixth principal meridian, and lying north of the junction of the Neosho and Cottonwood [rivers,] county of Breckenridge, Territory of Kansas, shall be known and called "Forest Hill," and by that name shall be known in law, may have perpetual succession, may sue and be sued, may plead and be impleaded, may defend and be defended, in all courts of law and equity within this Territory or elsewhere; may have a common seal, and the same may alter or change at pleasure, and shall have all the powers and privileges usually granted, or by any law of this Territory given to incorporated bodies.

Powers of corporation.

Power to purchase, hold and convey land.

SEC. 2. The company hereby created shall have power to purchase and hold, and to enter, by pre-emption right or otherwise, any quantity of land, not to exceed eight hundred acres, and to lay the same off into lots, parks, streets, lanes, avenues and squares, and to sell, dispose of and convey the same, according to the rules and by-laws of the company.

Power to pass by-laws, &c.

SEC. 3. The company owning the above described lands, shall have power to pass by-laws for the election of such officers and at such times as may be necessary for the conveyance of the real estate of said company, and all deeds of conveyance shall be signed by such officers of said company as the by-laws of the company shall designate, and when so signed, with the corporate seal appended thereto, shall be deemed and held a sufficient execution and authentication of such deeds or certificates, in all courts of this Territory or elsewhere.

Board of Trustees

SEC. 4. R. W. Stephenson, Wm. Marshall, W. W. Henderson, J. E. Greenwood and R. L. Mitchell, or their successors in office, or a majority, are hereby made and constituted a board of trustees for the government of said town, with all the powers conferred on corporate bodies by any law now or hereafter to be in force within this Territory.

Powers of another act conferred.

SEC. 5. That all the powers, privileges, rights and provisions of an act passed at the last session of the Kansas Legislature, entitled "An Act to Incorporate the City of Leavenworth," be and the same are hereby conferred on the town of Forest Hill, and the said town of Forest Hill is hereby authorized and empowered to proceed under the provisions of said charter, as fully and absolutely as if the same had been in the same act specially applied to the town of Forest Hill.

SEC. 6. This act to take effect and be in full force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY,
Governor.

CHAPTER CXVI.

AN ACT to Incorporate the Town Company of Garnett.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That R. B. Hall, Theodore Harris, J. Y. Campbell, James Lock, D. W. Houston and W. C. Hall, their associates and successors, are hereby constituted and declared a body politic and corporate, under the name and style of the "Garnett Town Company," and by that name shall be capable of making contracts, of suing and being sued, pleading and being impleaded, in all matters whatsoever; and said company is authorized to have and use a common seal, and to alter the same at pleasure; and to make such by-laws as shall be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land, not exceeding six hundred and forty acres, where the towns of Garnett and Troy are now located; and all acts of said town companies of Garnett and Troy, and all contracts entered into by them, or either of them, are hereby legalized and declared valid to all intents and purposes whatsoever.

Power to purchase and hold land.

SEC. 3. Said company shall meet at Garnett, in person or by proxy, on the ninth day of April, 1859, and pass such by-laws for the election of such officers, at such times as may be necessary, to carry out the business of said company. And all deeds, for the conveyance of real estate of said company, shall be signed by such officers of said company as the by-laws thereof shall

Meet and pass by laws.

direct, which deeds shall be duly executed and acknowledged, as other conveyance of real estate.

Stock personal property.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may prescribe rules for the issuing of said stock, and said stock shall be transferable as personal property.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER CXVII.

AN ACT to Incorporate the Town Company of Granada.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SECTION 1. That James S. Chapell, Richard J. Gatling, Robert J. Rutledge, Thomas S. Wright, M. H. Terrel, John G. Spencer and David M. Lockman, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the "Town Company of Granada," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs. Vacancies in the board of directors by death, resignation or otherwise, shall be filled by election by the stockholders, each stockholder casting one vote for each share he may hold, and such vote may be given by proxy.

Power to purchase, hold and convey land.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter, by pre-emption or otherwise, and

any quantity of land in the county of Nemaha, Kansas Territory, where said town of Granada is now located, not exceeding six hundred and forty acres, and lay the same off into parks, streets, squares and avenues, and to sell, dispose of and convey the same.

SEC. 3. The said company shall have power to pass by-laws, Power to pass by-laws. for the election of officers, at such times as may be necessary, to carry out the business of said company; and all deeds, for the conveyance of real estate of said company, shall be signed by such officers of said company as the laws of said company may designate; which deeds shall be duly signed and acknowledged as other conveyances of real estate, and, when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory and elsewhere.

SEC. 4. The above named board of trustees shall have power Trustees to fill vacancies. to fill vacancies which may occur in their body by death, resignation or otherwise.

SEC. 5. The stock of the company shall be deemed personal Stock personal property. property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

SEC. 6. *Provided*, Nothing in this act shall be construed to Proviso. conflict with the law of Congress in relation to pre-emption of town sites.

SEC. 7. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 10, 1859.

S. MEDARY,

Governor.

CHAPTER CXVIII.

AN ACT to Incorporate Junction City.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That J. R. McClure, Robert Wilson, Andrew J.

Names of corporators.

Powers.

Power to purchase, hold and convey land.

Rules for transfer of stock.

Privileges of another not conferred.

Mead, P. Z. Taylor, John T. Price, David Scott and James P. Downer, and their associates, are hereby constituted a body politic and corporate, by the name and style of the "Junction City Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the Territory of Kansas, where Junction City is now located, not to exceed six hundred and forty acres, to lay off the same in parks, squares, blocks and lots, and to sell, dispose of and convey the same; that the said company shall have power to pass by-laws for the election of such officers, and at such time or times, as may be necessary to carry on the business of the company; and all deeds, for the conveyance of the real estate of the company, shall be signed by such officers of said company as it shall designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of law of this Territory or elsewhere.

SEC. 3. The said company may, by by-law, prescribe rules for the transfer of the stock of said company, by each individual stockholder.

SEC. 4. *And be it further enacted*, That, for the municipal government of the said Junction City, all the rights, privileges, and immunities conferred in an act entitled "An Act to incorporate the city of Wyandott," passed this present session of the Legislative Assembly, be and the same are hereby conferred on the said Junction City.

SEC. 5. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER CXIX.

AN ACT to Incorporate the Town of Miami.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. Maxwell McCaslin, Margaret Richardville, John Phalan and Richard H. Phalan, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of "The Miami Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

Names of incorporators.

Powers.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to any quantity of land, not to exceed three hundred and twenty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

Power to purchase, hold and convey land.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers, at such times as may be necessary, to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of law or equity in this Territory or elsewhere.

Power to pass by-laws.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the using and transferring the said stock by each individual stockholder.

Stock personal property.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

15*

S. MEDARY, *Governor.*

CHAPTER CXX.

AN ACT to Incorporate the Monrovia Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

Powers.

Power to purchase, hold and convey land.

Deeds of conveyance.

Certificates of stock.

Former acts legalized.

SECTION 1. That Caleb May, Nenian Conoly, Robert Conoly, S. J. H. Snyder, Luther C. Challiss, George Martin, A. G. Otis and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Monrovia Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, defend and be defended, in all matters whatsoever, in any and all courts of law or equity. That said company is authorized to have and use a common seal, and alter the same at pleasure ; and to make such by-laws and regulations as may be deemed necessary for the government of said company and the management of its affairs.

SEC. 2. That the corporation shall have power to purchase and hold any quantity of land, in the Territory of Kansas and county of Atchison, where the town of Monrovia is now located, not to exceed six hundred and forty acres, and to lay out the same into parks, squares, blocks, streets, alleys and lots, and to sell, dispose of and convey the same, and any part of the same, by deed, and to make such improvements upon the land aforesaid as may be deemed of advantage to the general interests of the company.

SEC. 3. Deeds for the conveyance of the real estate of said company shall be signed by such officers as the by-laws of said company shall prescribe, which deeds shall be duly executed and acknowledged, as other conveyances of real estate, and when so acknowledged, with the corporate seal attached, shall be deemed and held sufficient execution and authentication thereof.

SEC. 4. The said company may issue certificates of stock and lots, and prescribe rules for transferring the same.

SEC. 5. The acts of the Monrovia town company, which are evidenced by the books of said company, prior to the passage of this act, and not inconsistent with the same, are hereby legalized

and of the same effect that the acts of the company shall be hereafter under this act.

SEC. 6. This act to be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives,

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER CXXI.

AN ACT to Incorporate the Montana Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Charles Nicholls, Josiah Hinman, Jason T. Yunker, Howard Hunt, J. H. Sweney, Wm. B. Parsons, their successors and associates, are hereby constituted a body corporate and politic, by the name and style of the "Montana Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of incorporators.

Powers.

SEC. 2. The corporation hereby created shall have power to acquire, by grant, bequest, pre-emption or otherwise, and to hold any quantity of land, not exceeding six hundred and forty acres, in the Territory of Kansas, where the city of Montana now stands, and to lay off the same in parcels, squares and lots, and to sell, dispose of and convey the same by deed or otherwise. Said company shall, also, have power to construct and maintain courses, sluices, ditches and other contrivances for conducting water from the South Platte river, to be used for mining purposes, and may sell and dispose of interests in the same. Said

Power to purchase, hold and convey land.

water privileges are only granted on lands held by the company.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER CXXII.

AN ACT to Incorporate the Ohio City Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corpor-
ators.

Powers.

Power to pur-
chase, hold and
convey property.

Power to pass by-
laws

SECTION 1. That A. R. Morton, J. W. Iliff, I. M. Hendry, A. L. Ross, Jacob A. Bollman, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Ohio City Association," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

SEC. 2. The corporation hereby created, shall have power to purchase and hold any quantity of land, in Kansas Territory, where the city of Ohio is now located, not to exceed six hundred and forty acres, and to lay the same off into parks, squares and lots, and to sell, dispose of and convey the same by deed.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such time or times, as may be necessary to carry on the business of the company; and all deeds, for the conveyance of real estate or other property of the company, shall be signed by such officers as said company may, by by-laws, designate; and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this Territory or elsewhere.

SEC. 4. The stock of said company shall be deemed personal

property, and the company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder. Stock personal property.

SEC. 5. The association may, at any regular meeting thereof, order the sale, by public outcry, of the original interests, shares, lots, &c., of delinquent stockholders, or as much thereof as may be necessary to pay the assessment or taxes due thereon. Public notice shall be given of the time and place of such sale, by posting notices, for at least thirty days, in the most public places in said town. The proceeds of said sale shall be appropriated to the payment of all indebtedness on said stocks, due said association, together with twenty-five per cent. interest thereon, and the costs accruing on said sale, and the balance, if any, to the owner of the property. May sell interest of delinquent stockholders.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1859.

S. MEDARY,
Governor.

CHAPTER CXXIII.

AN ACT to amend an Act entitled "An Act to Incorporate the Osage City Association."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That section seven, [second,] of an act entitled "An Act to incorporate the Osage City Association," approved February 6, 1858, is hereby so amended as to read, "six hundred and forty," instead of "three hundred and twenty." Amendment to former act.

SEC. 2. This act to take effect from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 7, 1859.

S. MEDARY,
Governor.

CHAPTER CXXIV.

AN ACT to Incorporate the Palermo City Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of Corporators.

SECTION. 1. Thomas G. Thornton, Elijah Hughes, E. W. Fox, Allen & Stratton, James M. Hunt, James T. Holiday, F. L. Crane, F. W. Emory, James L. Byers, John Pickering, David A. Baum, John B. Wheeler, A. N. Jenneson, B. H. York, George K. Sabin, Jared Phillips, John C. Douglass, M. M. Jewett, S. B. McQuillis, John Ritchie, their associates and successors are hereby constituted and declared a body politic and corporate, by the name and style of the "Palermo City Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this Territory; said company is authorized to have and use a common seal and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Powers.

Purchase, hold and convey land.

SEC. 2. The corporation hereby created shall have power to purchase and hold, or to enter, by pre-emption or otherwise, any quantity of land not to exceed six hundred and forty acres, where the city of Palermo is now located, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

Power to pass by-laws, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company, shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

Stock personal property.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of stock by each individual stockholder.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY,
Governor.

CHAPTER CXXV.

AN ACT to Incorporate the Robinson Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That George S. Park, O. H. Macauley, Ira H. Smith, J. P. Macauley and A. D. Richardson, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the "Robinson Town Company," and by that name shall have power to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever; said company is hereby authorized to have and use a common seal and alter the same at pleasure, and to make such by-laws as may be necessary for the government of said company and the regulation of its affairs.

Names of corporators.

Powers.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land in Brown county, Kansas Territory, where the town of Robinson is now located, not exceeding three hundred and twenty acres, and to lay the same off into parks, squares, blocks, lots, avenues, streets and alleys, and to sell, dispose off and convey the same, and any part thereof, by deed, and to erect buildings and make such other improvements as may tend to promote the interests of said company.

Purchase, held and convey land.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers as may be necessary to carry on the business of said company, and all deeds for conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall pre-

Power to pass by-laws, &c.

scribe, which deeds shall be duly executed and acknowledged, and when so executed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds, in all courts in this Territory or elsewhere.

Stock personal
property.

SEC. 4. That the stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing of said stock, and the transfer thereof, by each individual stockholder.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1859.

S. MEDARY,

Governor.

CHAPTER CXXVI.

AN ACT Incorporating the Rowena City Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corpo-
rators.

SECTION 1. Silas O. Hemenway, George F. Pentecost, Chas. A. Farris, Edward W. Wynkoop, Robert M. Nace, their associates and successors, are hereby constituted and declared a body politic, by the name and style of the "Rowena City Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever; said company shall be authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as shall be deemed necessary for the government of said company and the management of its affairs.

Powers.

Purchase, hold
and convey land.

SEC. 2. The corporation hereby created shall have power to purchase and hold, or to enter, by pre-emption or otherwise, any quantity of land in the county of Arrapahoe, in the Territory of Kansas, not exceeding six hundred and forty acres, and to lay the same off into parks, squares, lots, streets and alleys, and to sell, dispose of and convey the same.

SEC. 3. The said company shall have power to pass by-laws Power to pass by-laws, &c. for the election of such officers, and at such times, as may be deemed necessary to carry out the business of said company, and all deeds for the conveyance of real estate of said company shall be signed by such officers of said company as the by-laws of said company may designate, and when so signed, with the corporation seal attached, shall be considered and held as sufficient execution and authentication of such deeds, in all the courts of this Territory or elsewhere.

SEC. 4. The stock of said company shall be deemed personal Stock personal property and transfer of same. property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the stock of each individual stockholder.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER CXXVII.

AN ACT to Incorporate the Salina Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. Wm. A. Phillips, A. C. Spilman, A. M. Campbell, David L. Phillips and James Muir, their associates and successors, are hereby constituted a body politic and corporate, under the name and style of the "Salina Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever; said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as may be necessary for the government of said company, and to carry out its articles of agreement. Names of corporators.

SEC. 2. The corporation hereby created shall have power to Power to purchase, hold and convey land. purchase and hold, and to enter, by pre-emption or otherwise,

any quantity of land, not to exceed three hundred and twenty acres, where the town of Salina now stands, being or lying on and near the Smoky Hill River, at a point five miles above the junction of the Saline creek with said river, and to lay off the same into lots, blocks, streets and squares, and to sell and dispose of the same, and convey the same by deed. All deeds for the conveyance of the real estate of this company, shall be signed by such officers as the company, by its by-laws, may designate, and, when so signed, shall be deemed and held a sufficient authentication of such deeds in all courts of this Territory and elsewhere.

Transfer of
stock.

SEC. 3. The said company may, by by-laws, prescribe for the transfer of stock of said company, by each individual stockholder.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER CXXVIII.

AN ACT Incorporating the St. Charles Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corpo-
rators.

SECTION 1. That Admah French, Wm. McGall, Theodore C. Dickson, Frank M. Cobb, Charles Nicholls, Edward W. Wynkoop, William Larimer, Jr., Charles Lawrence, William Hartley, Jr., Lloyd Nichols, and their associates and successors, are hereby constituted a body corporate and politic, under the name and style of the "St. Charles Town Company," and by that name and style shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and change the same at pleasure, and to make such by-laws as may be necessary

Powers.

for the government of said company and the management of its affairs.

SEC. 2. The corporation hereby created shall have power to purchase, hold and enter, by pre-emption or otherwise, any quantity of land, not exceeding nine hundred and sixty acres, where the town of St. Charles is now located, as surveyed by William Hartley, being on the east side of Cherry Creek, in Montana county, Kansas Territory, and to lay off the same into streets, blocks and lots, and convey the same, by deed or otherwise.

Power to purchase, hold and convey land.

SEC. 3. The said company shall have power to pass by-laws providing for the election of such officers, at such time or times as may be necessary to carry out the business of said company; and all conveyances of real estate of said company shall be signed by such officers of said company as said by-laws shall designate, which conveyances shall be duly executed and acknowledged, and, when so executed and acknowledged, shall be deemed good and valid conveyances.

Power to pass by-laws, &c.

SEC. 4. The stock of said company shall be deemed personal property, and the company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

Stock personal property.

SEC. 5. That said company shall, also, have power to maintain courses, sluices, ditches and other contrivances for conducting water from Cherry Creek and the South Platte, to be used for mining purposes, and may sell and dispose of interests in the same. Said water privileges are only granted on lands held by the company.

Power to construct mining conveniences.

A. LARZALERE,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 11, 1859.

S. MEDARY, *Governor.*

CHAPTER LXXIX.

AN ACT to confirm and make valid certain acts of William B. Nichols and Edwin P. Hicks, as Trustees of the Stanton Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That all deeds or bonds [for deeds,] duly executed

Former acts of parties legalized.

and acknowledged by the said William B. Nichols or the said Edwin P. Hicks, as trustees of the Stanton Town Association, under the authority of the said Stanton Town Association, in so far as they carry out the intentions of the said Association, the same are hereby confirmed and made valid.

SEC. 2. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1859.

S. MEDARY,

Governor.

CHAPTER CXXX.

AN ACT to Incorporate the Waterloo Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SECTION 1. That Guilford Dudley, Jeremiah Murphy, William H. Mickel, Paul R. Hubbard and Benj. S. Dudley, and their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the "Waterloo Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, and in all courts of law or equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

Powers of corporation.

Power to purchase, hold and convey land.

SEC. 2. That the corporation hereby created shall have power to purchase and hold any quantity of land, not to exceed six hundred and forty acres, where the town of Waterloo, in Backenridge county, is now located, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same by deed.

Power to pass by-laws, &c.

SEC. 3. That the said company shall have power to pass by-

laws for the election of such officers, at such time as may be necessary to carry out the business of the said company; and all deeds for the conveyance of the real estate of the said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and, when so duly executed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts in this Territory or elsewhere.

SEC. 4. That the above named persons shall have power to Fill vacancies. fill vacancies which may occur in their body, by death, resignation or otherwise.

SEC. 5. That the stock of said company shall be deemed per- Stock personal property. sonal property.

SEC. 6. This act to take effect from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER CXXXI.

AN ACT to Incorporate the Wabaunsee Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. C. B. Lines, M. C. Welch, J. M. Hubbard, Jr., Names of corporators. L. A. Barker, W. Mitchell, Jr., and other associates, whose names are subscribed to the articles of association of the Wabaunsee Town Company, located in Richardson county, Kansas Territory, shall be and they are hereby incorporated and made a body corporate and politic, by the name and style of the "Wabaunsee Town Company," and by that name and style may and shall do and perform all acts necessary and proper to carry out Powers. and finally consummate all the objects and purposes of said town company, as explained in their said articles and proceedings, as entered in their book of records. Said corporation, in its cor-

porate name, shall fully carry out and perfect all contracts of the said company; shall collect all moneys, pay all debts, receive deeds and transfers of all property, real, personal or mixed, make deeds, transcripts [transfers] or conveyances of the same; may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered, in any court of law or equity of this Territory or of the United States; and all deeds or assurances, made, executed, acknowledged and delivered in said corporate name, shall fully convey all the right, title or interest in law or equity to the property therein specified, and shall vest such rights as fully as the individual members of said company might or could do.

Board of trustees
to continue to
transact business
for company.

SEC. 2. The board of trustees, as now appointed by the said town company, and their successors in office, shall continue to settle up and finally consummate all the interest of said town company, and all the interests of all persons holding by or through or under them; shall fully carry out and perfect all the titles to all the property in said town; shall fulfill and comply with all contracts made; shall collect all arrears or other debts and demands which now are or may be hereafter owing to them, and pay all debts owing by said company; and shall close up finally the business of said company, according to the terms and requirements of its articles of association and acts done under the same, as recorded in their books of records, and all such other things as ought to be done, and for that purpose shall use and employ the corporate name as above expressed.

Trustees to make
by-laws.

SEC. 3. Said board of trustees shall have power to make such by-laws and regulations as may be necessary for the proper management of the officers [affairs] of said company, not inconsistent with the terms and requirements of its articles of agreement and acts done under the same, as recorded in the book of records.

SEC. 4. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 10, 1859,

S. MEDARY,

Governor.

CHAPTER CXXXII.

AN ACT Incorporating the Town of Merrimac.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Jno. P. Hatterscheidt, Henry J. Adams, O. P. Barbour, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Merrimac Town Company," and by that name shall be capable of making contracts, suing and being sued, pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure; to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and for the management of its business.

Names of corporators.

Powers.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to any quantity of land, at or near the junction of the Black Vermillion and Big Blue rivers, Kansas Territory, not exceeding six hundred and forty acres, where the said town of Merrimac is located, and to lay the same off into lots, parks, squares, alleys, streets and avenues, and to sell, dispose of and convey the same.

Power to purchase, hold and convey land.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and, when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of law and equity in this Territory or elsewhere.

Power to pass by-laws.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing of said stock, and for the transfer of the same by each individual stockholder.

Stock personal property.

SEC. 5. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 7, 1859.

S. MEDARY,

Governor.

CHAPTER CXXXIII.

AN ACT to amend an Act entitled "An Act to Incorporate the White Cloud City Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Section two
amended.

SECTION 1. That section two of said act be so amended as to empower the White Cloud City Company to hold any quantity of land in Doniphan county, Kansas Territory, not exceeding six hundred and forty acres, adjoining the original six hundred and forty acres, which the said corporation was empowered to purchase and hold under the act of 1858.

Section four
amended.

SEC. 2. That section four of said act be and the same is hereby so amended that any seven of the stockholders of said company, including the president, shall be the directors to transact the business of said company, and said directors shall be chosen by the stockholders, at the annual meeting.

SEC. 3. This act to take effect and be in force from and after its passage.

A. LARZALERE,

Speaker of the House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 3, 1859.

S. MEDARY,

Governor.

CHAPTER CXXXIV.

AN ACT to enable the Board of Managers of the Prairie City Association to collect its Assessment.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. The board of managers of the Prairie City Association is hereby authorized to sell as many of the lots delinquent shareholders as may be necessary for the payment of the assessments heretofore made by order of the Association.

To sell lots of delinquents.

SEC. 2. Thirty days' public notice shall be given of the time and place of said sale, by notices, posted in five public places in said Prairie City ; and said sale shall be by public outcry, and the proceeds shall be appropriated to the payment of said assessments and interest, at twenty-five per cent. per annum from the time the deeds for said lots were ready for delivery, together with the costs accruing ; and the balance, if any, shall be paid to the owner.

Give notice of time and place of sale.

SEC. 3. The board of managers of said Prairie City Association are hereby empowered to execute deeds to the purchasers of lots so sold, which shall be as valid as if made to the original owner.

Managers to give deeds of lots so sold.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. LARZALERE,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 7, 1859.

S. MEDARY, *Governor.*